UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
1st meeting
held on
Tuesday, 20 September 1994
at 4.30 p.m.
New York

SUMMARY RECORD OF THE 1st MEETING

Temporary Chairman: Mr. ESSY
(President of the General Assembly)

CONTENTS

ELECTION OF THE CHAIRMAN

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Distr. GENERAL
A/C.4/49/SR.1
28 September 1994

ORIGINAL: ENGLISH

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The meeting was called to order at 4.30 p.m.

ELECTION OF THE CHAIRMAN

1. Mr. KALPAGE (Sri Lanka) nominated Mr. Hudyma (Ukraine) for the office of Chairman.

2. In the absence of further nominations and in accordance with rule 103 of the rules of procedure, the TEMPORARY CHAIRMAN said that he would take it, if he heard no objection, that the Committee wished to elect Mr. Hudyma (Ukraine) Chairman.

3. Mr. Hudyma (Ukraine) was elected Chairman by acclamation.

The meeting rose at 4.35 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
2nd meeting
held on
Wednesday, 5 October 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 2nd MEETING

Chairman: Mr. HUDYMA (Ukraine)

CONTENTS

STATEMENT BY THE CHAIRMAN

ELECTION OF OFFICERS

ORGANIZATION OF WORK

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)*

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS*

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION*

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS*

REQUESTS FOR HEARINGS

ALLOCATION OF AGENDA ITEMS TO THE SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

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* Items which the Committee has decided to consider together.

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Distr. GENERAL
A/C.4/49/SR.2
21 October 1994
ENGLISH
ORIGINAL: RUSSIAN

The meeting was called to order at 10.35 a.m.

STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN said that the Committee's agenda contained a wide variety of issues and that political will and a readiness to reach compromises would be essential for their consideration.

2. Decolonization could, with full justification, be considered one of the most significant historic achievements of the United Nations. During their deliberations on that issue, delegations would no doubt elaborate on how the goals of the International Decade for the Eradication of Colonialism were being achieved. At the very outset it should be stressed that in any new strategies or policy changes affecting the 18 Territories which remained non-self-governing, paramount importance must be given to the interests and needs of their populations. The general debate would probably reaffirm commitment to the principles contained in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

3. The signing in 1993 by the Palestine Liberation Organization (PLO) and the Government of Israel of the Declaration of Principles on Interim Self-Government Arrangements had made possible the initiation of a peace process in the Middle East region and there were grounds for hope that that still very fragile and vulnerable process would continue and extend with due respect for the interests and needs of all the parties concerned. He pointed out that Ukraine, which he represented, was a long-standing member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and he hoped that consideration of the issue at the current session of the General Assembly would further facilitate the peace process.

4. The question of United Nations peace-keeping operations in all their aspects remained one of vital importance. The report of the Secretary-General on the work of the Organization described the successes and the failures of those operations, which had become more complex, dangerous and expensive. Consideration of that issue in the Committee would undoubtedly bring forward fresh ideas and approaches to the use of peace-keeping operations and reveal ways of making them more efficient.

5. The items allocated to the Committee included, alongside the traditional issues, such new items as 148, "The situation in the occupied territories of Croatia".

ELECTION OF OFFICERS

6. The CHAIRMAN said that consultations on the candidature of his two deputies were still under way and their elections would therefore be deferred to the next meeting.

7. Mr. CHINVANNO (Thailand) nominated Mr. Ndiaye (Gabon) for the office of Rapporteur.

8. Mr. Ndiaye (Gabon) was elected Rapporteur by acclamation.

ORGANIZATION OF WORK (A/C.4/49/1; A/C.4/49/L.1)

9. The CHAIRMAN stressed the need for strict compliance with rule 110 of the rules of procedure of the General Assembly relating to congratulations. He then drew attention to the recommendations concerning the organization and rationalization of the work of the General Assembly contained in the first report by the General Committee (A/49/250) and considered by the plenary Assembly at its 3rd meeting of the current session. The General Assembly had, inter alia, endorsed the recommendations by the General Committee regarding the recess and the closing date of the forty-ninth session; the schedule of meetings; explanations of vote, right of reply, points of order and length of statements; records of meetings; concluding statements; resolutions; and matters relating to the programme budget.

10. With regard to records of meetings, the General Assembly had approved the recommendation of the General Committee that the practice whereby the former Special Political Committee received full or partial transcripts of certain of its meetings should be maintained. Where summary records were concerned, in the past the Committee had experienced delays in their distribution owing to the requirement for simultaneous distribution in all languages.

11. Consequently, he proposed that summary records of the Committee's meetings should be distributed as soon as they were ready in the language in which they had been drafted, on the understanding that the other language versions would be distributed as they became available.

12. It was so decided.

13. The Committee members were strongly urged to abide by the decisions adopted by the General Assembly on the recommendations contained in the report of the General Committee and to submit draft resolutions promptly, to ensure that there was sufficient time for the required consideration of their programme budget implications. In particular, delegations intending to submit draft resolutions on items towards the end of the Committee's agenda should do so as early as possible. Committee members' attention was also drawn to a note by the Secretary-General on control and limitation of documentation, which would shortly be published in document A/INF/49/1. All delegations were requested to limit, as far as possible, requests for additional documentation, as well as for duplicate copies of material already distributed. Delegations submitting draft resolutions should bear in mind that, owing to financial constraints, overnight processing of documents was not always possible and should be avoided.

14. Committee members' attention was drawn to documents A/C.4/49/1, listing the items allocated to the Committee, and A/C.4/49/L.1, containing the timetable for their consideration. As indicated in the second document, 33 meetings had been allocated to the Committee, with the possibility of a further 2, subject to the

availability of conference services. That allocation had been made on the basis of the number of meetings required for the Committee's agenda in previous years. The Committee's agenda for the current session included three new items, which it would have to consider within the prescribed time-frame. In drawing up the Committee's programme, he had consulted the substantive units of the Secretariat and the delegations concerned and had been guided by the documentation already available and by the projected dates for the issue of other basic reports.

15. The first items to be considered would be 18, 82, 83, 84 and 12, and 85, all relating to decolonization, and the relevant reports had already been issued.

16. With regard to the remaining items, the report of the United Nations Scientific Committee on the Effects of Atomic Radiation, under item 75, was due to appear that same day in document A/49/46. A draft resolution on the item had been prepared and interested delegations should approach the delegation of Peru.

17. The Secretary-General's report on item 74, "Protection and security of small States", would be issued in mid-October in document A/49/353.

18. With regard to items 85, "Science and peace", and 86, "Question of the composition of the relevant organs of the United Nations", no basic documentation was expected. Nor was a report expected on item 148, "The situation in the occupied territories of Croatia", but he would report on the communications relating to that item at a later date.

19. With regard to item 80, "Questions relating to information", the report of the Committee on Information had already been issued as document A/49/21, and the corresponding report of the Secretary-General would be issued in document A/49/389.

20. With regard to item 77, "United Nations Relief and Works Agency for Palestine Refugees in the Near East", the Commissioner-General's report would be issued in document A/49/13 and the related reports of the Secretary-General would appear by mid-October.

21. With regard to item 76, "International cooperation in the peaceful uses of outer space", the report of the Committee on the Peaceful Uses of Outer Space would be issued in document A/49/20 and the report of the Secretary-General in document A/49/280. With reference to item 147, "Question of the review of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies", the Committee would have before it document A/49/141.

22. With regard to item 79, "Comprehensive review of the whole question of peace-keeping operations in all their aspects", the report of the Special Committee on Peace-keeping Operations had already appeared in document A/49/136 and the corresponding report of the Secretary-General would be issued shortly.

23. With regard to item 78, "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", two of the Committee's periodic reports

prepared in pursuance of General Assembly resolution 48/41 had already been issued (A/49/67 and A/49/172) and the remaining reports were due to appear by mid-November.

24. Mr. BATAINEH (Jordan), Mr. AL-ATTAR (Syrian Arab Republic) and Mr. AL-HASSAN (Oman), stressing their keen interest in the consideration of agenda item 77 and underlining the importance of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, suggested that consideration of the item should be deferred to a later date and taken up after the Committee had concluded its discussion of item 76, on international cooperation in the peaceful uses of outer space.

25. The CHAIRMAN, assuring the Committee that the suggestion by the representatives of Jordan, the Syrian Arab Republic and Oman would be taken into consideration and that a decision on the matter would be taken once appropriate consultations had been held, said he believed that the Committee was ready to adopt in principle the proposals contained in document A/C.4/49/L.1 on the understanding that the necessary amendments would subsequently be made to them.

26. It was so decided.

27. The CHAIRMAN noted that bodies and individuals having an interest in the question of the Falkland Islands (Malvinas) (item 45) would be heard in the Fourth Committee in conjunction with the consideration of the item in plenary meeting. If any requests for a hearing were received, the Committee would be informed of them.

28. With regard to item 77 he suggested that, as in previous years, an open-ended working group should be set up under the chairmanship of the Austrian delegation to prepare a draft resolution on that item.

29. It was so decided.

30. In adopting the proposals on the organization of work, the Committee had decided to hold a general debate on items 18, 82, 83, 84 and 12, and 85, which would allow its members to speak on all those items or any one of them at any meeting dealing with that cluster of items.

31. At previous sessions, the Fourth Committee, on a recommendation from the Special Committee on decolonization, had usually considered the chapter of that Committee's report dealing with military activities in Non-Self-Governing Territories together with the item concerning foreign economic interests. He took it that the Committee wished to retain that procedure.

32. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

33. Mr. AL-ATTAR (Syrian Arab Republic), Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introduced the chapters of the report of the Special Committee relating to agenda items 18, 81, 82 and 83 contained in document A/49/23 (Parts II to VII).

34. In response to the General Assembly's request in resolution 48/52, paragraph 10, the Special Committee had again given extensive consideration to the situation prevailing in the Non-Self-Governing Territories as well as to other related questions and had adopted a series of recommendations and proposals on that issue.

35. The Special Committee had reiterated that it was the responsibility of the administering Powers to create such conditions in those Territories as would enable their people to exercise freely and without interference their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV). The Special Committee had reaffirmed that it was ultimately for the people of those Territories themselves to determine freely their future political status in accordance with the relevant provisions of the United Nations Charter and the Declaration, and in that connection it had called upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination in conformity with the legitimate political status options clearly defined in General Assembly resolution 1541 (XV).

36. In reaffirming that it was the responsibility of the administering Powers to promote the economic and social development and preserve the cultural identity of those Territories, the Special Committee had recommended that priority should continue to be given to the strengthening and diversification of their respective economies.

37. Mindful that the United Nations visiting missions provided a means of ascertaining the situation in the Territories, the Special Committee had stressed the need to dispatch periodic visiting missions and had urged the

administering Powers to cooperate or continue to cooperate with the Special Committee by facilitating the dispatch of visiting missions to the Territories under their administration.

38. During the current year the Special Committee, at the invitation of the Government of New Zealand and of the General Fono (Council) of Tokelau, had dispatched a visiting mission to Tokelau, a report of which was contained in document A/AC.109/2009, and the related recommendations of the Special Committee were contained in document A/49/23 (Part VII), chapter X.

39. With regard to the question of the Trust Territory of the Pacific Islands, the Special Committee had decided to defer consideration of the question until its 1995 session.

40. As indicated in the relevant chapters, France, the United Kingdom and the United States, as administering Powers, had not participated in the Committee's proceedings in respect of the Territories under their administration during the current year. The Special Committee hoped that the three Governments would reconsider their position.

41. With respect to information transmitted in accordance with Article 73 e of the Charter, the Special Committee, in stressing the importance of timely transmission by the administering Powers of adequate information, in particular in relation to the preparation by the Secretariat of working papers on the Territories concerned, had requested the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned within a maximum period of six months following the expiration of the administrative year in those Territories. Accordingly, the Special Committee had requested the Secretary-General to continue to ensure that adequate information was drawn from all available published sources in connection with the preparation of those working papers.

42. The chapters of the Special Committee's report covering its work during 1994 and concerning agenda items 82 and 83 were contained in document A/49/23 (Parts III and IV), chapters IV to VI.

43. In accordance with established practice and pursuant to General Assembly decision 48/421, paragraph 7, the Special Committee had considered the question relating to military activities and arrangements by colonial Powers in Territories under their administration and its recommendation to the General Assembly was contained in document A/49/23 (Part III), chapter V.

44. As indicated in the relevant chapters, the Special Committee had considered those items in July and September 1994 and had adopted the relevant decisions on them. Those decisions had formed the basis for its recommendations to the General Assembly, which were contained in the relevant chapters.

45. The CHAIRMAN suggested that the Committee should take note of the Special Committee's recommendation on the Trust Territory of the Pacific Islands contained in document A/49/23 (Part VI), chapter IX, paragraph 32.

46. It was so decided.

47. Mr. REMIREZ de ESTENOZ BARCIELA (Cuba), speaking as Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, described the background to the Special Committee's preparation of its recommendations to the Fourth Committee. The mandate entrusted to the Special Committee on decolonization since its establishment in 1961 had been clear: monitoring the political, economic and social conditions of the Non-Self-Governing Territories and reporting to the General Assembly on the progress achieved in the implementation of its historic resolution 1514 (XV). The Committee had carried out its mandate faithfully. The results of United Nations activity in that field had been extremely successful.

48. Despite the paralysing effect produced by many years of East-West confrontation and the lack of cooperation of some administering Powers in the 1960s and early 1970s, the Special Committee had played an important role in United Nations activities designed to promote the exercise by the peoples of colonial Territories of their fundamental right to self-determination and independence. The present membership of the United Nations, numbering some 60 colonial Territories, was clear testimony to the achievement of the Special Committee. While remaining faithful to its mandate, the Committee had constantly reviewed its approach and method of work in order to adjust to changing circumstances and improve its efficiency.

49. Times had changed since the Special Committee on decolonization had begun its work in 1962. Bearing in mind a number of observations expressed by several delegations in the General Assembly, the Special Committee in recent years has taken a number of initiatives which were reflected in its recommendations to the Fourth Committee. The Committee had continued to review its methods of work in the search for greater efficiency and rationalization. While keeping in mind the interests of the peoples of the Non-Self-Governing Territories, the Special Committee continued to emphasize the specific needs of the Territories and the welfare of their inhabitants.

50. As to the remaining Territories still under colonial administration, the General Assembly had set the goal of complete decolonization by the year 2000 and had declared the period 1990-2000 the "International Decade for the Eradication of Colonialism". The Special Committee was aware that achieving that goal would require innovative and realistic solutions. The objective of the Decade would be realized only through concrete actions responding to the wishes of the peoples of those Territories regarding their future status. Cooperation and participation by the administering Powers in the work of the Special Committee would also facilitate the attainment of that objective. That was why the Committee had in recent years concentrated its efforts on a new approach to decolonization issues, while adhering firmly to the related principles of the Charter and resolutions of the General Assembly. The

Committee had paid particular attention to the specific needs of each of those Territories, using all available sources of information, the most authoritative being the views of the territorial Governments and peoples concerned. The Committee had systematically encouraged participation by their representatives in its work.

51. Several leaders of territorial Governments attending the regional seminars of the Special Committee had indicated that an acceleration of economic and social development in their Territories would facilitate the exercise of their right to self-determination and independence. The Special Committee had systematically concentrated its efforts on the search for specific measures that would promote the development of those Territories. To that end, it had continued to seek the cooperation of the administering Powers and the assistance of the United Nations specialized agencies.

52. In the current year, he had once again stressed to the administering Powers the importance that the Committee attached to their cooperation and participation in its work. In the Special Committee's view, the visiting missions sent by the United Nations to the Territories were the best means of obtaining first-hand information on the conditions and problems confronting the people. The administering Powers' participation and cooperation in the work of the Committee facilitated the Fourth Committee's consideration for those questions, and the Special Committee urged them to be more forthcoming in that endeavour.

53. In the current year, at the invitation of New Zealand as the administering Power, the Special Committee had dispatched the fourth visiting mission to Tokelau. The visit had enabled the Committee to obtain first-hand information on the conditions in the Territory and to hear the views and wishes of its people on their future status. That information would contribute significantly to the decolonization of the Territory. On behalf of the Special Committee, he thanked the Government of New Zealand for its continued cooperation and expressed the hope that the other administering Powers would come forward with similar invitations to visit Territories under their administration.

54. The Special Committee had always sought to adjust to changing circumstances, and in the continuing process of decolonization it would need to make further adjustments in its work, bearing in mind successes already achieved. He gave assurance, as the Acting Chairman of the Special Committee, of his full cooperation in the work of the Fourth Committee and had no doubt that it would be a complete success.

55. Mr. ARDHAOUI (Tunisia), speaking as Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance, said that, during the current year, the Subcommittee had held a three-month session, culminating in a draft resolution which would be submitted in due course. At that session, the Subcommittee had considered the situation in the following 12 Non-Self-Governing Territories: American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands, United States Virgin Islands, Pitcairn and St. Helena. The Subcommittee had made an in-depth

study of the political, economic and social situation in each of those Territories.

56. In its work the Subcommittee had drawn on documents submitted by the Secretariat, statements by representatives of the administering Power taking part in the discussions, and also statements by representatives of the Governments of the Territories, particularly Guam and Tokelau. In addition, the Subcommittee had based itself on the guiding principles embodied in the relevant General Assembly resolutions and in the Plan of Action for the International Decade for the Eradication of Colonialism. The Subcommittee had also considered the principles laid down by the United Nations according to which the question of territorial size, geographical isolation, small population and limited resources should in no way prevent the population of those Territories from exercising their inalienable right to self-determination.

57. It should be recalled that the peoples of the Non-Self-Governing Territories must be free to determine their own future political status, in conformity with the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant General Assembly resolutions. Referendums and other forms of popular consultation were the appropriate means of ascertaining the wishes of the population of the Territories. That task - ascertaining the wishes of the population - could be achieved only through effective participation and cooperation by the administering Powers. The Subcommittee had always sought to cooperate with a view to developing a tripartite dialogue between the Subcommittee, the administering Powers and the representatives of the population of the Territories in question.

58. The Subcommittee wanted comprehensive cooperation with the administering Powers, in order to ascertain their point of view, the questions which concerned them and how they viewed the future self-determination of the Non-Self-Governing Territories. United Nations visiting missions aimed at a first-hand assessment of the situation were an appropriate means to that end. A good example in that regard was the recently concluded visiting mission to Tokelau. In the course of the mission, numerous contacts and meetings had taken place with the local authorities, representatives of the population and organs of the administering Power. The mission had reached the conclusion that the desire of the population of Tokelau, supported by the New Zealand Government, was to achieve the status of free association. Other administering Powers were urged to resume their cooperation with the Special Committee and its Subcommittee.

59. There were also other questions that preoccupied the Subcommittee. First, the United Nations should take steps to expand the participation of representatives of the Non-Self-Governing Territories in the work of the Special Committee and its Subcommittee, including payment of their travel expenses. Secondly, given that several Non-Self-Governing Territories were already participating in regional and international organizations, the remaining Territories should be encouraged to participate in international life. Thirdly, the United Nations and its specialized agencies must redouble their efforts aimed at the development of the Non-Self-Governing Territories, which had scanty resources and were subject to natural disasters. The remaining recommendations

of the Subcommittee concerned information on decolonization issues. On that question, he had met representatives of the Department of Public Information and the Department of Political Affairs. As a result of the meetings, he had put forward recommendations that the international community should be mobilized in support of the objectives of decolonization and also that informational activities should be organized among the Non-Self-Governing Territories themselves through information centres operating in the relevant geographical regions, and also through interparliamentary and non-governmental organizations, through the mass media, by organizing conferences, and so on.

REQUESTS FOR HEARINGS

60. The CHAIRMAN informed the Committee that 20 communications containing requests for hearings had been received concerning Gibraltar, Guam, New Caledonia and Western Sahara under agenda item 18 and suggested that they should be distributed as Committee documents.

61. It was so decided.

ALLOCATION OF AGENDA ITEMS TO THE SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

62. The CHAIRMAN drew attention to document A/C.4/49/2, containing a letter from the Chairman of the Fifth Committee concerning proposed revisions to the medium-term plan for the period 1992-1997. He suggested that any members wishing to submit their views on programmes 8 (Peaceful uses of outer space) and 38 (Public information) contained in document A/49/6 (Prog. 8) and (Prog. 38) should do so in writing by Tuesday, 25 October, for transmission to the Fifth Committee.

The meeting rose at 12.15 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)
3rd meeting
held on
Tuesday, 11 October 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. GUDYMA (Ukraine)

CONTENTS

ELECTION OF OFFICERS (continued)

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)* (continued)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e of THE CHARTER OF THE UNITED NATIONS* (continued)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION* (continued)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS* (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL*

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES*

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* Items which the Committee has decided to consider together.

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CONTENTS (continued)

REQUESTS FOR HEARINGS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of representatives of Non-Self-Governing Territories and petitioners

ORGANIZATION OF WORK

The meeting was called to order at 10.30 a.m.

ELECTION OF OFFICERS (continued)

1. Mr. SENGWE (Zimbabwe) nominated Mr. Moreno (Cuba) for the office of Vice-Chairman.

2. Mr. CHIRILA (Romania) nominated Mr. Samana (Papua New Guinea) for the office of Vice-Chairman.

3. Mr. Moreno (Cuba) and Mr. Samana (Papua New Guinea) were elected Vice-Chairmen by acclamation.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (part II, part V, chap. VIII, part VI, chap. IX and part VII, chap. X), A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381 and 492)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/49/23 (part IV, chap. VII), A/49/384 and Add.1)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/49/23 (part III, chap. VII), A/AC.109/1191)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/23 (part IV, chap. VI), A/AC.109/L.1824, E/1994/114, A/49/216 and Add.1)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/49/3 (chaps. V (sect. C) and IX))

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (A/49/413)

REQUESTS FOR HEARINGS (A/C.4/49/3; A/C.4/49/4 and Add.1-6; A/C.4/49/5 and Add.1; A/C.4/49/6 and Add.1-9)

4. The CHAIRMAN informed the Committee that he had received a number of communications containing requests for hearings on agenda item 18, relating to Gibraltar (A/C.4/49/3), Guam (A/C.4/49/4 and Add.1-6), New Caledonia (A/C.4/49/5 and Add.1) and Western Sahara (A/C.4/49/6 and Add.1-9).

5. Mr. ELHASSANE (Morocco) requested that the Committee should postpone consideration of the communications relating to Western Sahara since they had been submitted late.

6. The CHAIRMAN proposed that the requests for hearings should be granted, but that the consideration of the communications relating to Western Sahara should take place at the next meeting.

7. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (parts V-VII)); A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381, 492)

Hearing of representatives of Non-Self-Governing Territories and petitioners

Question of Gibraltar (A/AC.109/1195)

8. At the invitation of the Chairman, Mr. Pinn (Chairman, Spanish Friends of Gibraltar Association) took a place at the petitioners' table.

9. Mr. PINN (Chairman, Spanish Friends of Gibraltar Association) said that in Spain calls were currently being increasingly heard to resolve the dispute surrounding Gibraltar. Such a resolution could take place only if the inalienable right of the people of Gibraltar to self-determination was recognized. The Spanish Government's persistent assertion of its rights over Gibraltar did not reflect the interests of the Spanish people. During the Franco dictatorship the existence of a British colony in a territory which the nationalists considered Spanish promoted national unity against a perceived opponent and foreign usurper and thereby helped to inculcate the totalitarian ideology of the Spanish Falange and the dictator Franco. Even in modern, democratic Spain, however, obstacles were placed in the way of air and sea communications with Gibraltar. It was not difficult to understand the reasons for such a situation: several generations of Spanish politicians had been brought up on Franco propaganda with regard to Gibraltar and in most cases they had no access to first-hand information.

10. An acknowledgement of the rights of the Gibraltarians did not need to arouse a defeatist attitude in Spain; that country had to understand that Gibraltar had not been a part of Spain for three centuries and its decolonization could not be achieved by joining it to the neighbouring State, since the only result would be that it would change its foreign master.

11. Fortunately, the information circulated by his Association was getting through to various strata of Spanish society. Articles appeared in the press more and more frequently on the subject of Gibraltar, extending beyond the complexes and stereotypes of the past. In 1992, the Institute for International Affairs and Foreign Policy had published the results of a public opinion poll on

basic aspects of Spain's foreign policy. According to the poll, 24.7 per cent of the Spanish population - 10 million Spaniards - considered that the Gibraltar question should be decided by the Gibraltarians themselves. That clear acknowledgement of Gibraltar's right to self-determination should not go unnoticed by the Committee.

12. A growing number of people considered it unfair that the future of the people of Gibraltar should be decided not by Gibraltarians themselves but by foreign powers. Such people believed it essential that talks on Gibraltar should include the main protagonists - the delegation from the Government democratically elected by the Gibraltarians themselves. In view of the above, he called on the Spanish Government, the United Kingdom and the international community to recognize the right of Gibraltar to self-determination.

13. Mr. Pinn withdrew.

14. At the invitation of the Chairman, Mr. Bossano (Chief Minister of Gibraltar) took a place at the table.

15. Mr. BOSSANO (Chief Minister of Gibraltar) said that it was very important to discuss the question of Gibraltar in the Fourth Committee. He could not accept that because his country was small and had little influence over other countries it should not receive the attention it deserved as a Non-Self-Governing Territory.

16. In relation to the presentation in 1993 of a draft consensus resolution put together by the United Kingdom and Spain, he drew the Committee's attention to two phrases contained in the resolution. First, there was a call for a definitive solution to the problem of Gibraltar in the spirit of the Charter of the United Nations, as there had been in every previous consensus resolution since 1973. The Committee should be under no illusions. The negotiating process referred to in the resolution was an outright denial of the spirit of the Charter of the United Nations, since according to Spain it denied the right of self-determination to the Gibraltarian people. Secondly, the draft resolution stated that the Foreign Ministers of Spain and the United Kingdom held annual meetings alternately in each capital, the most recent of which had taken place in Madrid on 1 March 1993. It was worth noting that since then there had been no meetings. The Spanish Foreign Minister had stated publicly that any further meeting would take place only if it entailed a concrete step in the negotiating process. It seemed that Spain was looking for a concrete step in satisfaction of its demand that the United Kingdom should hand over Gibraltar to it.

17. In the course of the negotiations in February 1985, Spain had submitted formal proposals concerning Gibraltar's future status, which was to have been determined without the participation of the Gibraltarians themselves. Under those proposals, during an initial stage the United Kingdom would share control over Gibraltar with Spain for a period of years agreed between them. Gibraltar would thus effectively become a colony of the two Powers. At the end of that period Gibraltar would be transferred to Spain and would become exclusively a

colony of Spain. In March 1993, at the insistence of the Gibraltarian Government, the United Kingdom had finally formally rejected the 1985 proposals.

18. With regard to the aforementioned consensus resolution, it was the opinion of Spain that the decolonization of Gibraltar was a question, not of self-determination, but of the restoration of the territorial integrity of Spain. Spain maintained that that was the purpose of the negotiating process, and that that objective was shared by the United Kingdom. In his address to the General Assembly on 30 September 1994, the Minister for Foreign Affairs of Spain, speaking on the question of the decolonization of Gibraltar, had repeated that doctrine of his country, which, he claimed, had the support of the General Assembly.

19. Mr. Bossano noted that in his submission to the Fourth Committee and the Special Committee on Decolonization the view had been expressed that it was not possible to decolonize Gibraltar unless its decolonization reflected the democratically expressed wishes of the inhabitants of the colony. That was the only doctrine of the General Assembly, the Fourth Committee and the Special Committee on decolonization.

20. Furthermore, in a recent interview on Gibraltar television the spokesman on foreign affairs of the main Spanish opposition party had reaffirmed the official Spanish view on the question of Gibraltar. Thus, Spain's position on the question had effectively not changed since 1964. In April 1994 the Spanish Parliament had adopted a resolution urging the Government to take all necessary measures to restore Spanish sovereignty over Gibraltar and eliminate the British colonial presence.

21. As for the United Kingdom, in 1964 it had defended the right of self-determination of the people of Gibraltar, taking measures to transfer political power from the colonial administration to a Government elected by the people. A 1993 resolution on Gibraltar had reaffirmed the commitment of the United Kingdom Government to honour the wishes of the people of Gibraltar as set forth in the Preamble to the 1969 Constitution. That meant that Gibraltar would not pass from being a British colony to being a Spanish colony, as Spain demanded, against the freely and democratically expressed wishes of its people.

22. Thirty years previously, after a general election held in Gibraltar, the newly elected Legislative Assembly had addressed a statement to the Special Committee affirming that the soil of Gibraltar should belong to no one but the people of Gibraltar, and that the people of Gibraltar did not desire to be united with Spain. That had continued to be the view of the Gibraltarian people to the present day. The people of Gibraltar had not been discouraged by the lack of progress over the past 30 years, since all its aspirations were reflected in the resolutions of the General Assembly on questions of decolonization.

23. Since the 1960s Spain had argued that the Treaty of Utrecht, signed in 1713, overrode the principle of self-determination, while the Constitution of Gibraltar in turn conflicted with the Treaty of Utrecht. It must be borne in

mind, however, that that Treaty had been signed in a different age when no fundamental rights had been recognized, and that since that time the geopolitical situation in Spain, the United Kingdom and Europe as a whole had changed substantially. Thus, that argument was absolutely unfounded. He condemned the Government of Spain for its refusal to respect the right of the Gibraltarian people to self-determination, an obligation incumbent upon States Members of the United Nations. However, the official line taken by the Governments of Spain and the United Kingdom was not necessarily endorsed by all the people of those two countries. Eloquent testimony to that was provided by the celebrations on the occasion of Gibraltar's National Day, in which representatives of parties and parliaments of various countries, including leaders of several political movements in Spain, had participated. Another reflection of changing approaches to the problem was the recent statement by the President of the Asociación Española de Amigos de Gibraltar (Spanish Friends of Gibraltar Association), who had succeeded in dispelling suspicion and distrust and in manifestly demonstrating to the Gibraltarian people that it could live in full peace and friendship with its neighbours.

24. Addressing the Special Committee on decolonization, the Secretary-General had stated that times had changed and that the inalienable right of colonized peoples freely to choose their destiny was now universally recognized. However, it would appear that those words did not apply to the Gibraltarians. It seemed to him that the resolution to be adopted by the Committee at the current session, like all the resolutions adopted in previous years, would once again contain a call for the holding of negotiations with the object of achieving a definitive solution to the problem of Gibraltar. Gibraltar did not wish to find itself, in the year 2000, the one remaining colonial territory preventing the fulfilment of the resolutions of the General Assembly calling for the total eradication of colonialism by the start of the twenty-first century. He called upon the Fourth Committee to support Gibraltar so as to ensure that that state of affairs did not arise.

25. Mr. Bossano (Chief Minister of Gibraltar) withdrew.

Question of Guam (A/AC.109/1192)

26. At the invitation of the Chairman, Mr. Ada (Governor of Guam) took a place at the table.

27. Mr. ADA (Governor of Guam) said that Guam was now the last Non-Self-Governing Territory in the North Pacific. In the past few years other territories, including territories under the same administering Power, had achieved self-determination. Yet for Guam the road to self-determination still seemed fraught with dangerous curves and obstacles.

28. In 1987 the people of Guam had democratically endorsed a proposal concerning a Guam Commonwealth Act, which would establish an interim relationship with the administering Power while also serving as a basis for the decolonization of Guam. Many of the issues needing to be addressed in the context of that relationship - recognition of the right of the indigenous

Chamorro people to self-determination, controls on immigration, return of land and resources, the economic well-being of Guam and the representation of its interests in regional and international organizations - ought to have been implemented by the administering Power in accordance with its obligations. To that end, it had been proposed that, in the framework of a Commonwealth, those issues should be decided not on the basis of unilateral action by the administering Power, but through provision for mutual consent. Unfortunately, the administering Power had yet to endorse the democratically approved plan for the decolonization of Guam and had not embarked upon serious consideration of the many long-standing problems in its reciprocal relations with Guam.

29. In 1988 a process of discussions with the administering Power on that proposal had begun. Between 1988 and 1992 the administering Power had criticized that proposal and had deemed it unworkable, since it did not fit within the framework of Guam's existing colonial status. It had been asserted that the proposal was "unconstitutional", and that it was inconsistent with the "territorial policy" of the administering Power. What little progress had been made between 1988 and 1992 had been scuttled in January 1993, when the outgoing administration had reneged on agreements already reached. Attempts to bring the administering Power to fulfil its obligations had been met with indifference.

30. In early 1993, Guam had called on the administering Power to appoint a Special Representative and the appointment had finally been made towards the end of 1993. Since then, although it had been announced that the commonwealth relationship was open to discussion with the administering Power, no final agreement had been reached. The inactivity of the administering Power in response to the requests for change directly affected the people of Guam since colonialism did not simply exist but was a destructive force. The policies of the administering Power were leading, for example, to the active destruction of the demographic role of the indigenous Chamorro people in their homeland. In 1990, over 50 per cent of the population of Guam had been born outside the Territory. Those policies were likely to bring about a situation in which people who had been allowed into Guam by the administering Power would soon control the island's destiny. That would be a direct violation of every moral obligation towards Non-Self-Governing Territories. Since 1980 the General Assembly had called on administering Powers to prevent the systematic influx of outside immigrants and settlers into Territories, which disrupted their demographic composition of those Territories and might constitute a major obstacle to the genuine exercise of self-determination by the people of those Territories.

31. The administering Power's policies on land were also impeding the further economic development of Guam. Over one third of the territory of the island was currently held by the administering Power. Its land holdings included over 70 per cent of the land adjacent to the deep-water harbour, the best beaches and the most favourably situated properties. That was a further obstacle to the economic, social and cultural development of the island. Those land policies were, moreover, a direct violation of the standards of international law.

32. The administering Power was actively preventing Guam from being represented in regional and international organizations. In recent years it had actively endeavoured to remove Guam even from such regional organizations as the South Pacific Regional Environment Programme (SPREP) in which Guam had been denied full membership after 14 ballots and nine hours of debate, the only objection to Guam's membership coming from the representative of the administering Power, supposedly on the basis of its policies and on "constitutional" grounds. That despite the fact that the United Nations had consistently called for the participation of Non-Self-Governing Territories in the activities of regional and international organizations. The position of the administering Power with regard to SPREP was a clear violation of the United Nations Convention on the Law of the Sea, which established that the interests of the peoples of Non-Self-Governing Territories over their exclusive economic zone was paramount. The actions of the administering Power in such areas as transport, trade and taxation had also been damaging to the people of Guam, despite the fact that it was one of the obligations of States under the United Nations Charter to promote the economic well-being of the people of Non-Self-Governing Territories.

33. The administering Power consistently forgot that its own legal standards did not make Guam a part of the United States but its possession. It believed that Guam was good enough to be used as a major base for storing munitions and stationing troops in the western Pacific. The island was, however, forgotten when it was a question of the people's rights and of their interests in development, self-government and decolonization.

34. Guam had been under colonial rule since the seventeenth century. During almost four centuries of colonial oppression by various rulers, the Chamorro people had not become reconciled to colonial rule, as their language, history and culture showed. The process of decolonization required an act of self-determination by the colonial people. For that reason, Guam's decolonization required the administering Power to recognize an act of self-determination by the indigenous people. That was consistent with all international standards, which consistently linked self-determination in colonial countries to the concept of "colonial peoples".

35. With regard to the resolution to be adopted in 1994, he said that Guam supported the draft text under consideration, which was objective and took account of the proposal of the people of Guam for changes in the relationship with the administering Power. The draft resolution reflected the nature of the ongoing discussions with the administering Power and would encourage the expeditious completion of talks. It took account of various issues such as immigration, sovereignty over resources, including land, the cultural rights of the indigenous people, economic progress and self-determination. He therefore urged the Fourth Committee to adopt the Special Committee's recommendation.

36. Mr. Ada withdrew.

37. At the invitation of the Chairman, Mr. Underwood (Representative of Guam in the United States Congress) took a place at the table.

38. Mr. UNDERWOOD (Representative of Guam in the United States Congress) said that, as a result of the positive changes that had taken place in international relations, it had become possible to concentrate on the problems of the Non-Self-Governing Territories, which rarely gained the attention they deserved.

39. The resolution on Guam was essentially accurate and he supported the recommendations of the Special Committee. He was particularly pleased that the wording of the resolution reflected the important changes that had occurred in the past 20 months. The representative of the Clinton Administration was holding discussions with the Guam Commission on Self-Determination in order to resolve outstanding problems. The support of the executive branch was critical in overcoming possible obstacles in Congress to the adoption of the Commonwealth Act.

40. Although the United Nations was an important forum for the discussion of issues relating to status, no organizational activity could take the place of action by the United States Congress. The role of the United Nations in that process could, however, be positive and helpful. It was important that the resolution should reflect the support of the Fourth Committee for Guam's position in relation to the self-determination of the Chamorro people, which was an important factor in attaining the objectives of a new Commonwealth. The adoption of the resolution would show the administering Power that the position of the Government of Guam on that matter was widely recognized and supported by the international community.

41. The Committee was right to note that recent immigration trends further emphasized the importance of the issue of Chamorro self-determination. With respect to the position of the United States Administration on the issue of land, he said that significant progress had recently been achieved in return of federal lands to the people of Guam. On 21 September 1994, both Houses of the United States Congress had adopted legislation whereby 3,200 acres of such land would be returned. During the second session of the Guam Land Conference, it had been announced that the United States Administration had identified a further 6,000 acres for return.

42. In conclusion, he said that it would be useful for representatives of the United Nations to visit Guam, since the only previous mission to that Territory had taken place in 1979. The representatives of the United Nations should meet with the people of Guam and the leadership at all levels. That would convince the United Nations that there was a strong consensus on the need for political changes in the status of the Territory.

43. Mr. Underwood withdrew.

44. At the invitation of the Chairman, Mr. San Agustin (Speaker of the Guam Legislature) took a place at the table.

45. Mr. SAN AGUSTIN (Speaker of the Guam Legislature), speaking on behalf of the Guam Legislature and the people of Guam, noted that each of the island entities within the former Trust Territory of Micronesia, except for Guam, had

exercised their rights of self-determination, resolved the question of their political status and entered into agreements with the United States Government. The continuation of Guam's colonial status and the denial of its right to self-determination had adversely impacted on its people not only in a spiritual but also in a material sense, which was particularly evident in the economic sphere. Guam's location at the heart of the Asia-Pacific region meant that it had benefited from the growth of that region's economy. In fact, the pattern of economic growth in Guam depended more on the economy of the Asia-Pacific region than on that of the United States.

46. The United States Government, on the grounds that Washington served as Guam's representative, had prevented Guam from participating in many international organizations important to its economic interests, such as Asia-Pacific Economic Cooperation. That forum had even witnessed the participation of Taiwan, whose legitimacy as an independent State Member of the United Nations was not officially recognized, and also of the non-self-governing entity of Hong Kong. The United States was continuing to adhere to that obstructionist position, in the case not only of the above-mentioned forum but also of other international organizations. Such an approach was dubious in the extreme in as much as the United States Government was run by a President not elected by the people of Guam and a Congress in which the people of Guam had no vote. Furthermore, the United States Government exercised direct control over vital components of Guam's economy such as air and sea transport links.

47. There was possibly no greater symbol of the injustice of Guam's circumstances than the issue of land, one third - and moreover the best part - of which was directly owned by the United States Government. The members of the current Guam delegation, which represented both the executive and legislative branches of the Territory's government, both major political parties and the indigenous and non-indigenous population of the island, were united in their position, which was based on the draft Commonwealth Act endorsed by the people of Guam. The Guam delegation reiterated its support for the statements made by the previous Guam delegation, because the people of Guam had chosen a course for the future that required a profound change in the political status of Guam and the exercise of its right of self-determination.

48. Mr. San Agustin withdrew.

49. At the invitation of the Chairman, Mr. Parkinson (Senator, Guam Legislature) took a place at the table.

50. Mr. PARKINSON (Senator, Guam Legislature) said that he was grateful to the Special Committee on decolonization for the report that had been presented and stated his complete support for the Committee's position on the Guam question. On the issue of land, he noted that immediately after the end of the Second World War the United States, as the administering Power, had basically taken control of one third of the island's land for military purposes. That land had not been used for almost 50 years. With the de-escalation of the cold war, the administering Power had conceded that most of the land it held on Guam was surplus to its requirements. It had also noted that there was no further reason

in the foreseeable future why the military should control that land. However, whenever the opportunity had arisen to return this prime land to its rightful owners, the administering Power had come up with another impediment. The administering Power clearly did not want to relinquish control of the land, but rather wanted to keep the land vacant, thus avoiding the need to move large numbers of indigenous people if ever it needed to significantly increase its military presence there.

51. As the administering Power, the United States had to bear responsibility in accordance with the United Nations Charter, General Assembly resolutions 1514 (XV) and 1541 (XV) and the resolutions adopted annually by the Fourth Committee. All those resolutions envisaged the opportunity for the Chamorro people to exercise their right to determine the future status of Guam through a democratic vote. The administering Power had absolutely no grounds for depriving the Chamorro people of their inalienable right to self-determination. The Non-Self-Governing Territory of Guam was currently seeking a Commonwealth status with the administering Power, similar to the status obtained by the Northern Mariana Islands several years previously. Guam had submitted its draft Commonwealth Act to the administering Power in February 1988, but Congress had then taken six years to consider the document and no constructive negotiations had been held with the administering Power. Negotiating with the administering Power was not easy, since the United States constantly shifted its position. Furthermore, the United States representatives at the negotiations were constantly changing. The people of Guam were begging for a peaceful political solution.

52. The Guam Legislature had adopted a resolution calling on the United Nations to send a fact-finding mission to Guam and requested the administering Power to take all steps necessary to coordinate and implement such action.

53. In conclusion, and on behalf of the people of Guam, he petitioned the United Nations to assist Guam and the administering Power in peacefully resolving the questions relating to that Territory. He also strongly urged the Fourth Committee to carefully examine any attempt by the administering Power to remove Guam from the list of Non-Self-Governing Territories, noting that the proposed Commonwealth Act was not an act of self-determination, but rather an interim status until such time as the Chamorro people had the opportunity to exercise their right of self-determination in accordance with Article 73 of the Charter and the relevant United Nations resolutions.

54. Mr. Parkinson withdrew.

55. At the invitation of the Chairman, Ms. Manibusan (Senator, Guam Legislature) took a place at the table.

56. Ms. MANIBUSAN (Senator, Guam Legislature) said that Guam was one of the few remaining Territories under colonial control which were inscribed on the United Nations list dating from 1946, and Guam was, by any other name, a colony of the United States. Since 1898 the only proposal to alter Guam's colonial status had come from Guam. Until 1980, leaders in Guam had attempted to better Guam's

status within the framework of the existing political relationship. By 1987 the people of Guam had ratified a proposed Commonwealth Act which provided for a process that would recognize the right of the Chamorro to decolonize their homeland. In the interim, as a transition, it had been proposed that Guam would have a Commonwealth relationship with the administering Power, as a result of which a number of existing standards would be changed and the application of legal standards by the administering Power would be subject to Guam's consent.

57. However, the response of the administering Power to that proposal had been unacceptable. In late 1993, the appointment of a Special Representative on the political status of Guam had aroused high hopes. However, no concrete commitments had been given. While the Clinton Administration had shown a greater awareness of the United States obligation to decolonize Guam, it would be unwise to rush to conclusions before the administering Power had made its real intentions clear.

58. While the administering Power continued to examine Guam's proposal, it had offered nothing substantive in return which could satisfy the people of Guam. In fact, the administering Power was continuing to carry out an immigration programme which was reducing the Chamorro people to the status of a minority in their homeland. That was in direct contravention of the Plan of Action for the Full Implementation of the Declaration on Decolonization annexed to General Assembly resolution 35/118.

59. There was little evidence of overt hostility to migrants in Guam. While some migrants chose to assimilate, most used the island as a stepping-stone to other destinations under the jurisdiction of the administering Power. In 1990, over half the residents of Guam had been born outside the Territory and, of that group, over 50 per cent had come to Guam since 1985. What was at issue was not opposition to immigration on the part of the people of Guam, but their ability to manage their resources in a manner consistent with their long-term requirements and their socio-cultural goals as a community.

60. The administering Power's immigration policy had forced the people of Guam to define clearly the meaning of self-determination. Obviously, the right to self-determination in a Non-Self-Governing Territory did not extend to all migrants and settlers. The Commonwealth Act provided for a process whereby the Constitution of Guam would establish a mechanism guaranteeing the right of the indigenous Chamorro people to self-determination. For that reason, it was important that the text of the resolution on Guam should include specific references to an act of self-determination by the indigenous people as the basis for the decolonization of Guam. Such an act was not an "internal matter", but a right of the colonized people of Guam, the Chamorro people.

61. Another unresolved issue, which stemmed from the unilateral actions of the administering Power, was the question of war reparations for the Chamorro people. In July 1994, Guam had commemorated the fiftieth anniversary of the tragic and heroic events connected with the island's occupation during the Second World War and its subsequent reoccupation by the United States. The issue of reparations remained unresolved because the administering Power had

released the Imperial Government of Japan from the obligation to pay reparations. In so doing, the administering Power had de facto assumed that obligation which, however, remained unfulfilled.

62. In the eyes of the administering Power, Guam was a possession whose past and future had validity only in terms of its own designs and internal legal mechanisms. Yet under the laws of the administering Power, the people of Guam were not permitted to participate in decisions affecting the nation as a whole or in decisions of the administering Power which affected Guam. The people of Guam were told that Guam was treated no differently from any State of the Union with regard to such issues as land return, immigration or ocean resources. However, that was of little benefit to them as long as their land remained beyond their control, the island's demographic structure was being changed and its living and non-living resources were being utilized by foreign interests and the internal interests of the administering Power.

63. Ms. Manibusan withdrew.

64. At the invitation of the Chairman, Mr. Reyes (Senator, Guam Legislature) took a place at the Committee table.

65. Mr. REYES (Senator, Guam Legislature) voiced support for the Declaration on the Granting of Independence to Colonial Countries and Peoples which referred, inter alia, to "the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples". The Chamorro people believed that their quest for political self-determination fell directly within the purview of the Special Committee simply because they were an indigenous people living in a Territory which was geographically separate and ethnically and culturally distinct from the country currently administering it. Moreover, the question of Guam fell within the Special Committee's competence by virtue of the definition contained in Article 73 e of the Charter of the United Nations and General Assembly resolution 66 (I). The island of Guam was a Non-Self-Governing Territory for which the United States had accepted as a sacred trust the obligation to promote to the utmost the well-being of its inhabitants. At a time when the world was rapidly approaching the celebration of half a century since the founding of the United Nations, it appeared that some administering Powers had violated that "sacred trust".

66. In the case of Guam, the first step towards the exercise of self-determination by the Chamorro people must be the return of massive portions of land held by the United States. Currently, the United States and its instrumentalities controlled over 44,000 acres of land, or nearly one third of Guam's total land mass. Of that figure, only 12,000 acres were physically occupied by the United States Government. It was believed that the United States Government, in particular the Department of Defense and the Department of the Interior, did not need any more land than that which they were currently actively utilizing, especially since the United States defence organizations were being scaled down massively, both nationally and abroad. Even when federal lands had been declared in excess of its needs, they had been returned to the

control of the Government of Guam, and not to their original owners; that signified a blatant attempt to aggravate an injustice committed over 50 years earlier.

67. In addition, the United States Department of the Interior and Department of Defense had agreed to establish a National Wildlife Refuge within the territory of Guam. It was to occupy some 22,000 acres, or one half of the land controlled by the federal Government. That collaborative project had three goals: first, to prolong control over the 32,000 acres of Guam lands which the Federal Government had left idle for over 50 years; second, to transfer control of a significant portion of ancestral lands to the Department of the Interior, which was known for its bureaucratic ability to keep lands under federal control; and third, control over the land meant control over the people, as there was no case for self-determination without full resolution of the land issue. Those planning the refuge were disregarding the wishes of the people and were continuing to forge ahead with their proposal, maintaining that the refuge issue was separate from the land reclamation issue. In that connection, he drew attention to resolution 93 of the Guam Legislature, which referred to the policy of the United States concerning the use of excess federal lands.

68. For the Chamorro people, as for indigenous peoples the world over, land meant life. The World Council of Indigenous Peoples, addressing the United Nations Working Group on Indigenous Populations in Geneva in 1985, had stated that the land issue was fundamental to the achievement of self-determination. In order to achieve self-sufficiency, which was inseparable from self-determination, indigenous peoples must have their traditional territories returned to them. That would lead to the revival of their social, cultural and economic systems and institutions of government. A number of statements made by representatives of indigenous peoples to that Working Group had made it clear that land, identity and culture were a single objective for indigenous peoples. The recently adopted International Labour Organization Convention 169 concerning indigenous and tribal peoples in independent countries, called upon Governments to attach special importance to the culture and spiritual values of indigenous peoples and their relationship with the land. It also called for recognition of the rights of ownership and possession by indigenous peoples of lands which they had traditionally occupied. Until such time as the right of the Chamorro people to their homelands was recognized by the United States Government and such lands were effectively returned to the possession and control of Guam, it could never be said that the Territory had achieved a full measure of self-government.

69. Mr. Reyes withdrew.

70. At the invitation of the Chairman, Ms. Cristobal (Organization of People for Indigenous Rights) took a place at the table.

71. Ms. CRISTOBAL (Organization of People for Indigenous Rights (OPI-R)) said that OPI-R was a community-based non-governmental organization whose goal was to ensure the exercise of the right of the Chamorro people to self-determination and decolonization. Since its establishment in 1981, OPI-R had engaged in mass education and awareness efforts. As a result, the issue of the self-

determination of the Chamorro people had become the cornerstone of Guam's political status drive.

72. Representatives of OPI-R had appeared before various United Nations committees on numerous occasions with regard to the situation in Guam. It was gratifying that the leaders of Guam's Government had continued in their support of Chamorro self-determination, despite considerable objections on the part of the administering Power. The position of OPI-R was that colonialism in all its forms and manifestations was an international crime and that it resulted in the denial of the right of the colonized people to decide freely on their future and determine freely how they wished to be governed, the confiscation and exploitation of natural resources, cultural disintegration and historical disconnection.

73. As noted in previous presentations to the United Nations, the proposed Guam Commonwealth Act, which was now before the United States Government for consideration, was not an act of self-determination. The draft Guam Commonwealth Act, if ratified, would alter the current relationship between the people of Guam and the administering Power and grant limited internal self-government. More importantly, the Guam Commonwealth Act also called for the decolonization of Guam through a recognition of the inalienable right of the Chamorro people to exercise self-determination in their homeland. It was only the Chamorro people who were colonized and only the Chamorro people who could engage in a legitimate process of decolonization.

74. The draft Guam Commonwealth Act did not fully meet the guidelines and principles of decolonization outlined in General Assembly resolutions 1514 (XV) and 1541 (XV) and in the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Those guidelines and principles, in the case of Guam, could only be met through the exercise by the Chamorro people of the right to self-determination. The insistence of the administering Power that any changes in the colonial status must take place within the parameters of its national constitution and within the confines of its military and economic interests was unacceptable.

75. Another critical issue requiring consideration was the issue of the unilateral application of the administering Power's national immigration policy in Guam. United States immigration law as applied in Guam had resulted in the Chamorro people becoming a minority in their homeland. Whereas in 1940 Chamorros had comprised 90 per cent of the population of Guam, by 1990 over half of Guam's population had been born elsewhere. Those serious demographic changes were central to what had forced the Chamorro people to define the "self" in "self-determination".

76. A significant impediment to decolonization centred on the land tenure policies which the administering Power had applied in Guam. The administering Power had confiscated an inordinate amount of land, unilaterally imposing its land legislation. The land taken by the administering Power constituted one third of the entire land mass of the island. Initially, the administering Power had used the pretext of national defence and world peace to confiscate lands.

The pretext now was the designation of wildlife refuges and national parks and other types of land use.

77. OPI-R strongly supported the draft resolution before the Committee, including the recognition of the right of the indigenous Chamorro people to self-determination, the call for reform in the programmes for the transfer of property to the people of Guam, the recognition that immigration into Guam had resulted in the indigenous Chamorros becoming a minority and the call upon the administering Power to conduct expeditious negotiations with the territorial Government regarding the draft Guam Commonwealth Act on the future status of the Territory.

78. The Committee should recognize that the Guam Commonwealth Act represented an initial step towards true decolonization through Chamorro self-determination. Through such recognition, Guam would be retained on the list of Non-Self-Governing Territories and General Assembly resolutions 1514 (XV) and 1541 (XV) would continue to apply. The Committee should take account of the recommendations of the various regional seminars concerning the International Decade for the Eradication of Colonialism. Those recommendations included the enhanced participation of representatives from the Non-Self-Governing Territories in the decolonization process and a call for funding and more direct efforts in the dissemination of information to peoples in Non-Self-Governing Territories regarding their rights and legitimate options.

79. Ms. Cristobal withdrew.

80. At the invitation of the Chairman, Mr. Teehan (Guam Land Owners' Association) took a place at the petitioners' table.

81. Mr. TEEHAN (Guam Land Owner's Association) said that Guam's geographic location was advantageous to the Chamorro people since it provided economic opportunities for their participation in the modern world. The historic disadvantage was Guam's strategic geographic placement, which was of significant interest to the United States of America. The current situation must be seen not simply as an issue of land use, but as a question of the right to equity for the indigenous inhabitants of Guam, and also a matter of human rights abuse and denial of sovereignty. A permanent solution of the disputed matter of land and resource control could be achieved only through the exercise by the Chamorro people of their legitimate right to self-determination. It was not a question of the good or bad intentions of those who had allowed the situation to occur. Regardless of intentions, the effect remained the same - the political, economic and social displacement of an indigenous people.

82. Although citations of United States law could conveniently provide impediments to the return of lands to the Chamorro people and the exercise of their rights, they did not legitimize the denial of justice. The rights of indigenous peoples must be considered against the framework of democratic principles and international conventions on decolonization, as opposed to the framework of colonial structures. In 1946, the United States of America had placed the Non-Self-Governing Territory of Guam on the United Nations list of

non-self-governing territories. The Chamorro people had been promised protection in the interim period until they were able to take up their rightful place in the modern world. Instead, they had experienced exploitation and displacement in their homeland. Their lands had been seized without payment of compensation to owners, in blatant violation of Article 73 of the United Nations Charter.

83. The administering Power tried to argue that the question of land seizures could be resolved on the basis of decisions of the district court. It should be noted, however, that those decisions actually minimized United States liability and made it virtually impossible for the landowners of Guam to regain their land. Unfortunately, United States law gave preference not to the people of Guam, but to federal agencies. When the Chamorro people raised objections, federal officials cited United States laws as justification for the continuation of current policy.

84. In the opinion of the Guam Land Owner's Association, the first step must be to establish programmes which would allow the Government of Guam to pursue equitable solutions. Laws must be adopted which would recognize the rights and history of the Chamorro people and would be designed to counter the effects of their displacement. Those laws must not only be conducive to the development of the Chamorro people, but also contain protective measures to prevent unilateral policy changes by the United States of America. A significant step towards a solution was the proposed Guam Commonwealth Act. The ultimate protection, however, lay in the legitimate exercise of Chamorro self-determination and the subsequent structuring of a political status conducive to their cultural survival and entry into the modern world in their own right.

85. Mr. Teehan withdrew.

ORGANIZATION OF WORK

86. The CHAIRMAN informed the Committee that he had received two communications containing requests for hearings concerning item 18, relating to Guam; he suggested that they should be circulated as Committee documents (A/C.4/49/4/Add.7 and 8).

87. It was so decided.

The meeting rose at 1.15 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)
4th meeting held on
Wednesday, 12 October 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman:	Mr. HUDYMA	(Ukraine)
later:	Mr. SAMANA (Vice-Chairman)	(Papua New Guinea)
later:	Mr. HUDYMA (Chairman)	(Ukraine)

CONTENTS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)* (continued)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS* (continued)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION* (continued)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS* (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL* (continued)

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* Items which the Committee has decided to consider together.

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CONTENTS (continued)

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES* (continued)

REQUESTS FOR HEARINGS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of representatives of Non-Self-Governing Territories and petitioners

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (Part II, Part V, chap. VIII, Part VI, chap. IX, and Part VII, chap. X), A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381 and 492)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VII), A/49/384 and Add.1)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/49/23 (Part III, chap. IV), A/AC.109/1191)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VI), A/AC.109/L.1824, E/1994/114, A/49/216 and Add.1)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/49/3 (chaps. V (sect. C) and IX)

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/49/413)

REQUESTS FOR HEARINGS (A/C.4/49/4/Add.7-8, A/C.4/49/6 and Add.1-2, 6, 8, 9)

1. The CHAIRMAN informed the members of the Committee that he had received notification of two requests for hearing under agenda item 18, concerning Guam (A/C.4/49/4/Add.7 and 8) and Western Sahara (A/C.4/49/6 and Add.1-2, 6, 8, and 9). He took it that the members of the Committee had decided to grant those requests.

2. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (Part II, Part V, chap. VIII, Part VI, chap. IX, and Part VII, chap. X), A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197, A/49/287, 381 and 492)

Hearing of representatives of Non-Self-Governing Territories and petitioners

Question of New Caledonia (A/C.4/49/5 and Add.1)

3. At the invitation of the Chairman, Mr. Uregei (Congrès Populaire of New Caledonia) took a place at the table.

4. Mr. UREGEI (Congrès Populaire of New Caledonia) said that he wished to inform Committee members of the contents of the unilateral proclamation of the sovereignty of the Kanak people over their own country adopted as a resolution during the second Congrès Général Populaire, held at Naratch Arama on 24 September 1994.

5. The Kanak people had been in a relationship of colonial dependence on France since 24 September 1853. Having seized the Kanaks' country, France had deprived them of all their rights, unilaterally established colonial organs of power and pursued a policy of lawlessness and violence towards the Kanak people. The Kanaks had endured the burden of capitalist colonial oppression in the political sphere as victims of economic exploitation by French expatriates and had also suffered from mercantile capitalism operating on a transnational basis. The Kanak population had consequently been forced out, its traditional culture destroyed and its age-old traditions abolished.

6. Right from the start of its colonial dependence, the Kanak people had waged a struggle against its oppressors in order to regain its dignity, freedom and independence, and that struggle had culminated in an official demand for recognition of Kanak independence formulated on 22 June 1975. The Kanak people demanded to be recognized as a single people and the sole legitimate masters of the Kanaks' country. The Kanak people had the right to free self-determination, protection of its dignity and liberty, and the return of all the lands forming part of the Kanaks' country. In other words, the issue was the re-establishment of Kanak independence based on socialist principles and traditional structures. The Kanaks also had the right to receive the necessary material resources guaranteeing their economic, social and cultural development and the building of Kanak socialism. The Kanaks had demanded respect for themselves and the rapid and effective fulfilment of the commitments given by French President Mitterrand, as well as the commitments made in statements by the French Government, which had recognized the Kanaks' right to independence.

7. The Kanaks had become foreigners in their own country. After 141 years of colonial oppression they had become a national minority with no control over their own land. Kanaks were not French citizens. And since every people had a right to citizenship, the Kanaks currently wanted to become citizens of their

own country. The Kanaks' right to independence had been recognized by the Socialist and Communist Parties in November 1979; by the declaration signed at Nainville-les Roches in July 1983; by the South Pacific Forum; by the participants at the Non-Aligned Summit Conference; and by the United Nations and many specialized agencies.

8. On that basis, the participants at the second Congrès Général Populaire had adopted a resolution, the operative part of which unilaterally proclaimed the sovereignty of the Kanak people in order to protect the Kanaks' sacred right to be considered the sole legitimate masters of the Kanaks' country, secure unconditional self-determination and freedom, and independently determine their political status: Kanak independence based on socialist principles and traditional structures.

9. The resolution went on to condemn the unilateral seizure of the country by France on 24 September 1853, the colonial oppression of the Kanaks for 141 years, the signing of the Matignon Accords which aimed at destroying the Kanaks' culture and customs, and the holding of a referendum for self-determination in 1988 which took no account of the Kanak people's right freely to determine its own future. It proclaimed Kanak sovereignty over the land, natural resources, 200-mile territorial sea area, and airspace. It stated that a people's democracy would be built in the political, social, economic and cultural spheres that took account of traditional structures and aimed at a subsequent transition to socialism. It requested France and all independent and sovereign States and the entire international community to recognize the sovereignty of the Kanak people as proclaimed at Naratch Arama on 24 September 1994.

10. The Congrès Populaire had declared 24 September the national day of Kanak sovereignty and independence. It had adopted a number of provisions on the organization of the independent State, including the need to request the President of France to recognize Kanak sovereignty and return all their property to the traditional leaders and owners. Henceforth the country of the Kanaks would be called "Omoa Mo Aye", which meant "sources, peace and tranquillity". The colours of the flag of the Congrès Populaire would remain unchanged, and its crest would depict a hut, a silver fir tree and a coconut palm with the following inscription: "Custom is my constitution. It is my life and the life of my society". The third general people's congress would take place on 24 September 1996. A letter had been sent to François Mitterrand, President of the French Republic, and the Government of France, but no reply had yet been received.

11. Mr. Uregei withdrew.

Question of Guam

12. At the invitation of the Chairman, Mrs. Marianne Rios (Guahan Landowners United) took a place at the petitioners' table.

13. Mrs. Marianne RIOS (Guahan Landowners United) said that the most complicated and pressing issue in Guam was the land problem. The indigenous Chamorros were waiting for the Government of the United States to return their ancestral lands, which had been unjustly taken away from them, which they could not hand down to their children, and which were to a large extent simply lying idle.

14. She drew the Committee's attention to the document prepared by her organization which had been submitted to the Special Committee on 11 July 1994 and to the Fourth Committee at the present session. The document showed clearly that, given the political will, it would be possible to resolve the land issue in the best possible way by returning land to the representatives of the Chamorro people without prejudice to the military bases of the Government of the United States. The Chamorros understood that the full return of all the land would not be possible in many cases. However, any excess land must be immediately transferred, not through the local authorities but directly to the owners from whom it had been taken.

15. The representatives of the indigenous people asserting their right to their land were now ready to take decisive action. Their testimony at the Land Conference left no doubt of that fact. One example of their position was provided by the statement of Deborah A. Camacho, in which she said that the issue was not whether the Chamorro people were patriotic or nationalistic or were seeking to undermine the national security interests of the United States. In fact the Chamorros were probably patriots in the highest meaning of the word. The people of Guam were the strongest supporters of keeping the peace in the Pacific region. But the point was that, if the United States military was not using local land for national security interests and if such land was deemed excess, it must be returned to its owners.

16. In the words of one Guamian, the current situation on the island was such that any Chamorro representative who spoke out against injustice and the abuse of power, or offered any other criticism of the actions of the military, was labelled an anti-American troublemaker. The fact that he was an American citizen exercising his constitutional rights meant very little to representatives of the Federal or local Government. The civil rights of the Chamorros must be protected. When the Government violated the rights of its citizens, it was their right and duty to protest against such acts. The way in which the land problems had been settled in Guam in recent years was a shameful and wilful violation of the inalienable rights of all Chamorro landowners.

17. Other representatives of the Chamorro people had referred in their testimony to the inadmissibility of a situation in which Chamorro landowners had no free access to their own land. They paid the same taxes as other American residents and were entitled to freedom of movement and use of the corresponding infrastructure. The Chamorros did not want their children and grandchildren to feel themselves to be second-class citizens who were denied some of their constitutional rights.

18. The Chamorros were victims of arbitrary treatment and could not wait passively for the Federal Government to make up its mind. If the Federal Government did not take the question of the immediate return of excess land to its lawful owners sufficiently seriously, the Chamorros were ready to take immediate action. They would speak out loudly, logically and factually in order to wake up a sleeping America. The United Nations was requested to help in the solution of what was a painful problem and send to the island a fact-finding mission which would be able to make the world community aware of the true situation.

19. Mrs. Marianne Rios withdrew.

20. Mr. Samana (Papua New Guinea), Vice-Chairman, took the chair.

21. At the invitation of the Chairman, Mr. Artero (Artero Realty) took a seat at the petitioners' table.

22. Mr. ARTERO (Artero Realty) said that one of the unique features of Guam was that the people of Guam had never been consulted about any decision. One example was provided by the Artero family itself, whose property had been confiscated by the military without payment of proper compensation. Despite the fact that free enterprise was the foundation of the United States Constitution, the United States Government prevented the Artero family and many other Guamians, who were all United States citizens, from receiving the economic benefits from their land. The seizure of land on Guam after the Second World War had been an act of economic injustice towards the people of Guam. For 50 years now they had been trying unsuccessfully to correct that injustice. Until their land was returned, the people of Guam would be unable to exercise their right to self-determination.

23. The people of Guam had grown tired of political rhetoric and empty promises. An adequate solution must be found for the problem. Recently, a number of Guamians had been arrested for protesting against the violations of their rights. It was to be hoped that Guam would not become the next "hot spot" requiring intervention by United Nations peace-keeping forces.

24. The protest of the people of Guam was prompted by many factors. They included the quality of life on Guam, the disorderly land developments, the lack of any zoning plan, the dangerous aviation-fuel pipes which lay directly on the surface of the ground, and the fact that large areas of confiscated land had been lying idle for more than 50 years. The land also required clearing of the debris and toxic wastes resulting from military activities. Delivering freedom to the Chamorros by restoring their rights to private property would enable them to determine their own destiny. It was precisely that possibility which constituted democracy.

Question of Western Sahara

25. At the invitation of the Chairman, Mr. O'Rourke took a place at the petitioners' table.

26. Mr. O'ROURKE said that from March to June 1994 he had lived in refugee camps of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) near Tindouf, Algeria, where he had taught English and studied the military and political realities of the conflict between the Frente POLISARIO and the Kingdom of Morocco. It was his belief that the work of the United Nations Mission for the Referendum in Western Sahara (MINURSO) would be successful if the United Nations acted in an unbiased manner. Successful results could be achieved if the original United Nations peace plan, to which both parties had agreed, was used as the basis for the identification and registration of persons eligible to vote in the referendum. By adhering to those guidelines, the United Nations would ensure that the referendum was conducted in such a way that neither party could contest its results, and would make significant progress towards stabilizing the situation in North Africa. MINURSO could serve as a model for future United Nations operations which attempted to stabilize volatile regions and ensure international peace and security.

27. The claim that the Frente POLISARIO leadership was forcing Saharans to remain in the refugee camps against their will and refusing to allow them to move to Moroccan-controlled portions of Western Sahara, or to Morocco itself, was untrue. Many Saharans had expressed a desire to return to Western Sahara, but only after a free and fair referendum was held. Refugees who had not seen their families for over 17 years had said that they would prefer to bring their family members to refugee camps rather than to move to Morocco. It was important to note that approximately 200 Moroccan citizens were living in the refugee camps as free men; they were former prisoners of war who had been released by the Frente POLISARIO in 1989. However, the Moroccan Government would not allow them to return to Morocco.

28. It appeared that the Saharan people, under the guidance of the Frente POLISARIO, had created a free and stable society in the refugee camps; officials were democratically elected; health care, education and religious freedom were all basic rights; and women played an increasingly important role in shaping the culture.

29. The goal of the MINURSO operation must be to find a lasting solution to the problem of Western Sahara; the only solution to the conflict was self-determination for the Saharan people. The future of the people, and peace and stability in the region, depended on the United Nations; the Committee had a leadership role in that respect.

30. Mr. SNOUSSI (Morocco) said that some of the information provided by Mr. O'Rourke was inaccurate. It appeared that Mr. O'Rourke had believed everything he had been told when he was in the Territory. It was widely known, and was confirmed in the MINURSO report and by the Under-Secretary-General, that many people had returned of their own free will, after escaping to the Territory from refugee camps in Tindouf.

31. Mr. O'ROURKE said that during his stay in the refugee camps, he had been able to meet a large number of Saharans living there, and none of them had

expressed the wish to return to Moroccan-controlled regions of Western Sahara or to Morocco itself. Unfortunately, he did not have exact statistics, since he had not made any count. The purpose of his statement in the Committee had merely been to pass on the information in his possession.

32. Mr. SNOUSSI (Morocco) said that he did not intend to enter into polemics but merely wished to remind the members of the Committee that, as was well known, refugees wishing to leave the camps did not need to seek permission from those who were detaining them and restricting that freedom.

33. Mr. O'Rourke withdrew.

34. At the invitation of the Chairman, Mr. Boukhari Ahmed (Frente Popular para la Liberación de Saquia el-Hamra y de Río de Oro) took a place at the petitioners' table.

35. Mr. BOUKHARI AHMED (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro) (Frente POLISARIO) said that it was not possible to say that the United Nations had achieved complete success in the area of decolonization over the 50 years of its existence when the people of Western Sahara living under foreign occupation continued to be deprived of their right to self-determination.

36. After 15 years of fighting there was a favourable international context for the peaceful settlement of conflicts; the United Nations and the Organization of African Unity (OAU) had worked out a settlement plan for Western Sahara which had gained the acceptance of both parties and had been approved by the Security Council. The objective of the plan was the organization of a referendum of self-determination which would allow the Saharan people to freely choose between independence, for which they had fought, or integration to the Power which had occupied their Territory by force. In accordance with General Assembly resolution 40/50 and OAU resolution 104, the referendum was to be organized in the absence of military or administrative constraints. However, Morocco had imposed on the United Nations the stationing of 65,000 soldiers and of administrative and police forces during the transitional period and tens of thousands of settlers had been transferred to the Territory. Those were certainly not ideal conditions for a free referendum, especially since the number of people eligible to vote did not exceed 80,000. The Saharan Arab Democratic Republic, a full-fledged member of OAU, had made those concessions in order to contribute to the success of the joint effort undertaken by the United Nations and OAU. The Moroccan Government, however, while attempting to use the United Nations to legitimize its occupation of the Territory, had imposed a unilateral modification of the most fundamental provision relating to the question of voter identification in order to include Moroccan people in the voter's list for the referendum.

37. The protracted dispute about the criteria for voter identification could have been avoided if the United Nations had exercised due care to protect the integrity of the peace plan and if the official mediator had taken an independent and impartial position. Unfortunately, that had not been the case.

The Government of the occupying Power, encouraged by the direction of events, had committed itself to forcing a unilateral referendum or provoking the withdrawal of the United Nations and blaming the other party for the failure of the settlement process. After the adoption by the Security Council of resolution 907 (1994), in which it had opted for the second of the three options proposed by the Secretary-General, the Frente POLISARIO had spared no effort to ensure that the peace process, which had been greatly damaged by the deliberate obstruction of the Moroccan Government, was kept alive and ended with success. However, Morocco had yet again created obstacles to the work of identifying Saharans eligible to vote in the referendum and that had compelled the Identification Commission to delay the beginning of its work by several months.

38. There were sufficient facts to demonstrate that much still remained to be done in order to ensure a transparent, fair and free referendum. The transitional period had not yet begun and there were still many unsolved problems. Even if a fair referendum were held, there was no guarantee that Morocco would respect its results, since the Moroccan leaders, both of the Government and of the so-called official opposition, were constantly reiterating that they would not accept anything but a referendum confirming the occupation.

39. The United Nations should assume fully the responsibility incumbent upon it in conformity with the Charter in dealing with that conflict, the continuation of which was depriving the Saharan people of their legitimate rights and endangering the security and stability of the Maghreb and North Africa. The Frente POLISARIO was willing to engage in an official, responsible and serious dialogue with the Moroccan Government to eliminate difficulties on the road to the organization of a referendum of self-determination. A fraudulent referendum, as intended by Morocco, would put the credibility of the United Nations at great risk and could provoke a new outbreak of fighting. Only a referendum of self-determination with international guarantees to ensure its credibility and transparency would lead to a just and definitive peace, and consequently, to the strengthening of stability in the region.

40. Mr. Boukhari Ahmed withdrew.

41. Mr. Hudyma (Ukraine) resumed the Chair.

42. At the invitation of the Chairman, Ms. May (Publisher of "Paradigm 2000") took a place at the petitioners' table.

43. Ms. MAY (Publisher, "Paradigm 2000") said that despite the adoption by the General Assembly in 1966 of a resolution calling upon Spain to sponsor a referendum for independence, for 20 years relations between Morocco and Western Sahara, had been in an impasse; a way out could be found if there was an assurance that the referendum in February 1995 would be administered fairly and that all disputes concerning the Spanish census of 1974 could be resolved. That census, taken by Spain, which had centuries of experience in drawing up census reports in dozens of colonies around the world, not to mention in Spain itself, lay at the heart of the controversy.

44. If it was assumed that the figure of 74,000 arrived at in the census was accurate and that all citizens, either male or female, who were 18 years or older had the right to vote, then in order to determine the size of the voting population, theoretically it would be necessary to take into account only the children born to Saharan citizens in 1975, 1976 and the first two months of 1977. On the basis of average statistical data and excluding indicators for infant mortality and for deaths attributable to old age, war or disease, there would be only 33,300 new voters, which was far fewer than the 170,000 voters which the Moroccan Government was insisting should be added to the original 74,000.

45. Another contention used by the Moroccans to convince the countries of the West that their "annexation" was justified was that Morocco had occupied the land before Spain, even though the International Court of Justice had disproved that contention. It was difficult for anyone to imagine his own country being occupied for 20 years by another country claiming it as its own, and his struggle to regain sovereignty being ridiculed as a terrorist guerrilla movement. Yet in manuals, almanacs and reference books, the Frente POLISARIO was referred to as a guerrilla movement. In reality, the "guerrillas" were mostly children, women, shepherds, gardeners and Bedouins.

46. That inconsistency and confusion must be resolved, and the solution was a fair, monitored and open referendum which the world press should be invited to cover. It was distressing that measures were being taken to ban all media observers from the referendum to be held in February. Those actions could send the wrong message to countries that wished to hide behind the pretence of fair elections and manipulate the outcome to suit their goals. Since the United Nations had always acted responsibly in its oversight and monitoring of controversial elections, it was imperative that it should ensure that foreign journalists were allowed into the Territory so as to guarantee the credibility of the results of the referendum. Support to the Saharans in holding a fair, internationally observed referendum should in no way be considered a vote against Morocco. There were many examples in history of allied nations disagreeing on specific international and even domestic policies but recognizing that there was a greater necessity for mutual support than for mutual destruction.

47. South Africa, which until recently had experienced the condemnation and economic sanctions of several countries for its domestic policy, was now experiencing the positive consequences of its recent elections. That was the same nation that had given the world such leaders as Jan Christian Smuts, who had penned the original draft of the Preamble to the United Nations Charter. By modern standards, Thomas Jefferson would be considered a guerrilla, a rebel or a terrorist, not an individual determined to secure the inalienable right of self-determination and freedom from tyranny. No one would have given odds to David against Goliath, to the United States against England. The American colonists had won through sheer will, determination and the hunger for freedom and justice. The Saharans were now struggling against the Goliath Morocco. They simply wanted to live in peace, to have fair and open elections and to be able

to leave the refugee camps they had called home and be reunited with their families they had not been allowed to see for 20 years.

48. International relations were as dynamic and viable as relations between individuals and there were certain basic principles that everyone could believe in and embrace as civilized individuals. There were larger nations that wielded great power, influence and control and smaller, more helpless nations that relied on those basic qualities of justice, liberty, self-determination and truth. However, when conflicts involved forces and nations that were ill-matched and unprepared to defend their own land, freedoms and the right to live in peace, a sense of accountability was required. If it was not possible to make what was just, strong, then what was strong must be made just. The United Nations must pursue the goal laid down in the Preamble to the United Nations Charter of uniting its strength to maintain international peace and security and combining its efforts to accomplish those aims.

49. Ms. May withdrew.

50. At the invitation of the Chairman, Ms. Paola took a place at the table.

51. Ms. PAOLA, referring to the forthcoming referendum in Western Sahara, said that as a Professional staff member on the Committee on Foreign Affairs of the United States Congress, she had been asked to draft a basic sense of Congress resolution supporting the implementation of the United Nations peace plan for Western Sahara following extensive consultations and after doing the necessary research she had constructed a draft resolution calling upon the United States Congress to support a free and fair referendum and to support the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the cease-fire between Morocco and the Frente POLISARIO. However, when the sense of Congress resolution was introduced in the House of Representatives and in the Senate, Morocco had exerted enormous pressure to prevent its adoption, even though it was intended to support the peace process. Despite the campaign of intimidation, the resolution had won the unanimous support of the Committee on Foreign Affairs and passed the House of Representatives in November 1991. Thus the members of Congress had recognized the right of the Saharan people to a free and fair referendum.

52. In Western Sahara, the United Nations was acting as the peacemaker and peace-keeper. Its actions were intended to strengthen the role of the international community and provide hope for countries seeking to resolve conflicts in a peaceful manner. It was extremely important that the United Nations efforts in Western Sahara should be successful. The United Nations had already made a big investment in terms of personnel and finances to the peace process in Western Sahara. To ensure the investment yielded a favourable return, several steps needed to be taken. First, since the 1974 Spanish census was no longer the sole basis for the voters' roll, strict standards had to be adhered to by the United Nations Identification Committee to determine the bona fides of any individual seeking to vote in the referendum. Second, no individual, regardless of his or her position within or outside the United Nations should be permitted to impede the process or influence the outcome of

the referendum. Third, in the event of either party breaching the terms of the United Nations agreement vis-à-vis the referendum or conditions subsequent to the referendum, the Security Council should take swift and appropriate action against the violating party. By insisting that established guidelines should be adhered to, the United Nations would further encourage the holding of a free and fair referendum.

53. Ms. Paola withdrew.

54. At the invitation of the Chairman, Mr. Gutierrez (Project Nehemiah Inc.) took a place at the petitioners' table.

55. Mr. GUTIERREZ (Project Nehemiah Inc.) said that he was addressing the Committee as a priest and the leader of an organization which provided assistance to widows, orphans and refugees.

56. As a follower of the teachings of Jesus Christ, he could not hide his head in the sand like an ostrich in order not to notice what was going on around him. Many people had paid with their lives in the past, in defence of the truth, for the freedom which people currently enjoyed. Having twice visited Western Sahara, a country which had ceased to exist and which was still called Spanish Sahara on old maps and globes, he had seen for himself the sufferings of women, children and old people. When Almighty God created the desert, He had not thought it would be turned into a prison camp. Two fraternal peoples, at war with one another, were currently lifting up their prayers to one God, Allah, asking him to help crush their enemies. That was not pleasing to God. It was necessary to put a stop to the fratricidal war and urge the warring sides to come to the negotiating table. Evil triumphed when righteous people stood idly by.

57. Mr. Gutierrez withdrew.

58. At the invitation of the Chairman, Mr. Hendrickson took a place at the petitioners' table.

59. Mr. HENDRICKSON, a retired captain of the United States Coast Guard, addressing the Committee as a private citizen, said that pursuant to the advisory opinion of the International Court of Justice dated 16 October 1975, the Court had concluded that the materials and information presented to it did not establish any tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court had not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and fair expression of the will of the peoples of the Territory.

60. At the same time, in August 1988, Morocco and the Frente POLISARIO on the one hand and the Security Council on the other had agreed to the peace proposals put forward jointly by the United Nations and OAU, the basic points of which were, first, a free and fair referendum on the self-determination of the Saharan

people, during which the Saharan people would choose between independence and integration with Morocco, and second, an understanding that the list of voters for the referendum would be compiled on the basis of the Spanish census of 1974.

61. A free referendum that could satisfy the international community had to be transparent. The Territory should be open to the international press, independent observers and human rights organizations. That was particularly important in view of the fact that the Spanish census, like any other census, had its margin of error, but that margin should none the less be reasonable and not unduly influenced by an outside entity making decisions on behalf of the indigenous people of the Territory. Moreover, the political atmosphere was critical for any free referendum. It was the responsibility of the United Nations to create an atmosphere free of intimidation where the two parties could approach the referendum in a spirit of cooperation.

62. Regarding the human rights situation in Western Sahara, the most troubling element was the publicly televised statement by His Majesty King Hassan II last July in which he announced the release of Moroccan political prisoners except those opposed to the annexation of Western Sahara. Why were there Saharan refugee camps in Algeria? They had become refugees because the victory in their struggle to free their country from Spanish colonialism had been stolen by a more powerful neighbour. The Saharans had not lost heart and had done the best they could under extreme conditions. Thanks to the Frente POLISARIO and the leadership of the camps, the schooling of children and adults had been made mandatory, sanitary and health conditions in the camps had been vastly improved, two boarding schools had been established, day care centres had enabled mothers to work and participate in governing the camps, 35 per cent of the leadership of the camps were women, health and dental clinics had been staffed with trained Saharan personnel and limited agricultural enterprises had been established.

63. A free and fair referendum in Western Sahara was not only in the interests of the United Nations but also in the national interests of the United States, because, first, it was a basic belief of every American that all people had the right to self-determination and the right to determine their own future and the future of their children within their homeland; and second, a free and fair referendum in Western Sahara would promote regional stabilization. Further regional destabilization could prove disastrous.

64. Mr. Hendrickson withdrew.

65. Mr. SNOUSSI (Morocco), in response to the statement by Ms. May, said that she had not kept up to date with developments in the Territory or the United Nations. The fact that she referred to a census of the population showed that she had not familiarized herself with Security Council resolutions 725 (1991) of 31 December 1991 and 907 (1994) of 29 March 1994. She should refer to United Nations archives documents in order to be able to speak more competently on the subject. He pointed out that Morocco had been the first State to put forward the idea of a referendum that would allow people freely to express their opinion on their future.

66. With regard to the statement by Ms. Paola, he noted that she had less significantly misinterpreted Morocco's intentions and actions, and he did not wish to get into an argument with her on an issue which had been under discussion by competent persons for some time. Regarding Mr. Hendrickson's statement, he indicated that Mr. Hendrickson had alluded to a statement by the King of Morocco and had evidently misunderstood or misinterpreted it. What the King of Morocco had been discussing related neither to the Saharans nor the Sahara.

The meeting rose at 12.55 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND
DECOLONIZATION COMMITTEE
(FOURTH COMMITTEE)
5th meeting
held on
Wednesday, 12 October 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. HUDYMA (Ukraine)

CONTENTS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)*

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued)*

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued)*

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued)*

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)*

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued)*

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (Part II, Part V, chap. VIII, Part VI, chap. IX, and Part VII, chap. X), A/49/287, 381 and 492; A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197; S/1994/283 and Add.1 and Add.1/Corr.1; S/1994/819)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VII) and 384 and Add.1)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/49/23 (Part III, chap. IV); A/AC.109/1191)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VI) and 216 and Add.1; A/AC.109/L.1824; E/1994/114)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/49/3 (Chaps. V (sect. C) and IX))

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/49/413)

1. Mr. TELLES RIBEIRO (Brazil), speaking on behalf of the States members of the Rio Group - Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela - said that the newly revitalized Fourth Committee must strive to bring the process of decolonization to a rapid conclusion, since there were still peoples which had not fully exercised their right to self-determination.

2. The Special Committee on decolonization would have to adapt to the prodigious changes of recent years, while still pursuing its objectives, which were to promote full decolonization, expand the political and economic bases of Non-Self-Governing Territories in preparation for their self-determination, which included independence as an option, and provide information on the Territories. As evidenced by the success of the recent mission to Tokelau, the unstinting cooperation of the administering Powers with the Special Committee - following the example of New Zealand - was crucial in obtaining a first-hand sense of the wishes of the people concerned.

3. The Non-Self-Governing Territories must be given the means to establish solid economies that would allow them to exercise the right to self-determination. The United Nations and the administering Powers had a joint

responsibility to take the people's needs and interests and the need to protect their environment and culture into account in any economic planning for the Territories.

4. Also, it was difficult to justify the presence of military bases and installations in the Territories in the post-cold-war period. They could impede the process of decolonization and they siphoned off local resources needed for economic development. The time had come to make the Territories and surrounding areas off-limits to any testing, deployment or stockpiling of nuclear arms or weapons of mass destruction.

5. The Rio Group welcomed the new united, non-racial and democratic South Africa, led by a President who was a symbol of the universal struggle for freedom, to renewed participation in the work of the Committee. As to Western Sahara, the progress made in voter identification in preparation for the referendum and the various steps taken by the Secretary-General and his Special Representative to enable the people of the Territory to determine their political future were encouraging, but the whole process was taking too long. The Rio Group called on the two parties involved to cooperate fully with each other and with the United Nations so as to ensure that a fair and transparent referendum on self-determination could be held promptly, as called for in the settlement plan. In the case of East Timor, the Group supported the ongoing negotiations between Portugal and Indonesia, which seemed to be taking a positive turn, aimed at achieving a just, comprehensive and internationally acceptable solution.

6. In the Latin American region, the members of the Rio Group were confident that the improved relations between Argentina and the United Kingdom would permit a peaceful solution to the long-standing dispute over the Malvinas, South Georgia and South Sandwich Islands.

7. The complete eradication of colonialism, a universally recognized value, was a challenge which, fortunately, it seemed to be within the international community's power to meet.

8. Mr. PEREZ-GRIFFO (Spain) said that, while his delegation's general views were those of the European Union, it wished to speak on an issue affecting Spanish sovereignty. The reintegration of Gibraltar into Spain had the full support of Spanish political forces, regardless of ideology. The decolonization of Gibraltar was not a question of self-determination but rather of the re-establishment of a State's territorial integrity. His Government was not alone in taking that position which, in accordance with the principles of resolution 1514 (XV), had been clearly established also by successive General Assembly resolutions. Year after year, the Assembly had invited the Governments of Spain and the United Kingdom to negotiate an end to that colonial situation and Spain fully intended to continue to do so, on the basis of the Brussels Declaration endorsed by both parties on 27 November 1984. Even though the issue of self-determination was not involved, the Spanish authorities took full account of the legitimate interests of the population of Gibraltar. They desired Gibraltar's prosperity and progress on the basis of a sound economy, in which contraband activities and illicit trafficking would have no part, although

they were currently tolerated by the local authorities and ignored by the administering Power.

9. Spain also hoped that the representatives of the population would return to the negotiating process, which they themselves had chosen to abandon in 1988, for it was the appropriate framework for making their points of view known.

10. Mr. KAUL (Germany), speaking on behalf of the European Union, confirmed its support for the principle of self-determination and for actions consistent with the United Nations Charter aimed at the elimination of colonialism, irrespective of the geographic location and population size of the remaining Non-Self-Governing Territories.

11. He considered that the draft resolutions and decisions submitted to the Committee had often contained language and statements that made it difficult to discern how they could serve the interests of the people of the Non-Self-Governing Territories. He thus welcomed certain improvements in the texts submitted by the Special Committee, specifically the fact that the language used that year had become somewhat more moderate and less controversial. However, certain texts still posed serious problems, not least because they affected the credibility of the Committee and were not sufficiently conducive to consensual solutions in the field of decolonization. Such texts were based mainly on the premise that all Non-Self-Governing Territories had failed to exercise their right to self-determination solely because that right had been denied them by the administering Powers. Such a view lacked balance and provided no benefit to the people of the Territories concerned. The Committee would fail to fulfil its functions appropriately if it refused to accept the realities of the situation in each Territory. He reiterated his objections to the draft decision on military activities, not least because it did not appear on the list of agenda items allocated by the General Assembly to the Fourth Committee.

12. With regard to East Timor, the European Union continued to support a dialogue without preconditions between Portugal and Indonesia under the auspices of the United Nations Secretary-General. It took due note of the fourth round of meetings held by the Secretary-General with the Foreign Ministries of Portugal and Indonesia on 6 May 1994.

13. On the question of Western Sahara, he welcomed the progress made in voter registration for a referendum to be held for the exercise of the right to self-determination of the people of Western Sahara, carried out and monitored by the United Nations in cooperation with the Organization of African Unity (OAU), as envisaged in the settlement plan. The referendum had been delayed too long. The European Union called on all Parties to contribute as much as possible to further and rapid progress, considering the cooperation of both Parties with the Secretary-General and his Special Representative to be an important precondition for a peaceful settlement to this question.

14. Mr. McKINNON (New Zealand) observed that no two Non-Self-Governing Territories were the same, and that unique issues and specific problems affected the small island Territories. New Zealand had been pleased to note the Special Committee's acknowledgement within the framework of resolutions 1514 (XV) and

1541 (XV) that there was a need for flexibility in considering the future options Territories might wish to pursue, and also the Committee's understanding of the particular difficulties faced by reason of size, small population, geographic isolation, limited economic resources, and sometimes all four.

15. New Zealand, as the administering Power of Tokelau, was gratified to report that substantial progress towards self-determination had been made in the past year in the Territory, where institutions of self-government had not existed before. There was a readiness amongst the people to address fundamental matters of economic and political development, and in January 1994 the powers of the Administrator of Tokelau had been delegated to the General Fono, Tokelau's paramount political institution, and, when the Fono was not in session, to the Council of Faipule, the executive body. In addition, the Tokelau Public Service had been relocated in Tokelau itself. The net effect of those changes had been to give the people of Tokelau direct control over their own affairs in their country.

16. Representatives of the Territory had reported to the Special Committee on decolonization on the adoption of Tokelau's first National Strategic Plan in June. The Special Committee's fourth visiting mission had in July been able to see for itself the progress that had been made, and it had issued a very comprehensive and valuable report (A/AC.109/2009), to which was annexed the Solemn Declaration on the Future Status of Tokelau, a historic statement delivered to the mission by the Territory's leader, outlining the constraints with which it had to contend and its need for continuing financial support. Even though no timetable had been set, Tokelau was considering the terms of a constitution and of an eventual act of self-determination and had a strong preference for a status of free association with New Zealand. As the administering Power, New Zealand would be guided by the wishes of the Tokelauan people and intended to continue its relationship with it after self-determination, when it would provide broad-ranging assistance.

17. The substantial progress made was due in no small measure to the invaluable interaction between New Zealand, the Territory and the United Nations.

18. Mr. SAMANA (Papua New Guinea) said that his delegation was encouraged by the work of the Special Committee on decolonization and the United Nations as a whole, and by the support and understanding of the administering Powers in their efforts to assist the remaining Territories that had yet to attain political autonomy.

19. As a member of the recent United Nations visiting mission to Tokelau, he had experienced at first hand the geographic smallness, isolation, limitations in population size, scarce natural resources and vulnerability to natural disasters that imposed problems of long-term viability and economic sustainability. He suggested that the Committee should take account of the islanders' wishes and concerns emanating from the contextual realities of their situation.

20. At a seminar held in Port Moresby the year before under the auspices of the Special Committee on decolonization, a legal expert from New Zealand had offered an alternative to full independence, namely the concept of sustained autonomy, which could be applied in the context of small island Territories that had problems in sustaining their future independence on economic terms. Sustained autonomy could be defined as something between self-government and full independence where a self-governing country would be able to maintain continuous sustenance through budgetary, administrative and technical support from a sustaining State. The self-governing country would be politically autonomous in terms of its internal management, whilst its external relations would be managed by the sustaining State.

21. There would be an element of integration in some functions of government such as the law, migration, resource development and maintenance of international relations, where the cost would be met by the sustaining State. Sustained autonomy was therefore significantly different to the case of a developing small island State which was fully independent but had a loose arrangement of free association with its former metropolitan Power. He suggested that the concept of sustained autonomy could be refined in the Committee so as to be in conformity with internationally accepted norms pertaining to self-determination and granting of independence and offered as a possible option to other colonial territories and people in similar conditions of economic and social vulnerability.

22. On the subject of New Caledonia, his delegation supported the French Government's positive adherence to the Matignon Accords which formed the basis for a peaceful transition towards political autonomy. Nevertheless, he expressed concern over certain developments that could retard the full realization of the aspirations of the Kanak people, namely the immigration policies and electoral reforms being pursued by the administering Power. The electoral reforms had caused an imbalance of eligible voters, placing the Kanak people in the minority. The results of the 1994 referendum might already have been determined, which would be contrary to the spirit of the Matignon Accords.

23. The struggles of the Chamorro people of Guam, the question of Gibraltar, and the aspirations of indigenous peoples required the earnest attention of the Committee, and in this connection he noted with concern that some of the Territories under the Trusteeship of the United Nations had not enjoyed the privilege of a visiting mission for almost 17 years, due mainly to the persistent refusal by certain administering Powers to allow such visits.

24. Mr. LAMARA (Algeria) reminded the Committee that the question of Western Sahara was a decolonization issue that had not been followed through to a successful conclusion. He noted that in July 1994 the settlement plan for Western Sahara had floundered on the issue of observers from the OAU. He considered the objections to OAU participation in the referendum process to be unjustifiable, since the settlement plan had specified quite clearly that the referendum should be organized and conducted by the United Nations in cooperation with OAU. The issue of OAU participation was an essential element of the settlement plan; it could not be compromised to accommodate hasty arrangements which, for the sake of a so-called realism, would jeopardize one of

the main guarantees of impartiality and objectivity of the work of the Identification Commission and hence the credibility and authenticity of the referendum. The initial findings of the Identification Commission, which would shortly be submitted to the Security Council and, by extension, the international community, would thus be a significant test of the objectivity, impartiality and thoroughness of its work.

25. The modest progress that had been made was outweighed by the size of the task of ensuring the integrated and scrupulous fulfilment of the settlement plan, which still lay ahead. The formulation of a code governing the conduct of the two Parties during the referendum campaign, the cantonment of troops, the reduction of military forces, the neutralization of paramilitary forces, the release of prisoners and political detainees, the repatriation of refugees and the crucial issue of independence and integration in the post-referendum period were all areas that still required attention.

26. His delegation had always advocated stabilization of the political atmosphere and direct dialogue between the two parties in order to promote a concerted and fraternal fulfilment of the provisions of the settlement plan. Such an approach was both a common-sense requirement and an optimistic policy for the future. Unfortunately, the wish expressed in General Assembly resolution 48/49 that direct talks between the two parties would soon resume had not been realized, but the General Assembly and all other competent organs of the United Nations should not be discouraged. No effort should be spared to initiate direct talks, and Algeria was working toward that goal with sincerity and conviction.

27. Mr. PHANIT (Thailand) said his delegation welcomed the return of the representative of South Africa to the Committee and paid tribute to the people and Government of South Africa. He commended the Government of New Zealand and the General Fono of Tokelau for inviting the Committee to dispatch a mission to Tokelau in July 1994. That would provide an effective means of assessing the situation in those Non-Self-Governing Territories and ensuring full and effective implementation of the Declaration in those Territories. He joined the Committee in urging other administering Powers to do likewise. His delegation believed that the decolonization process should combine political measures with economic development efforts. He therefore welcomed the report of the Special Committee on decolonization, which urged the administering Powers to promote economic and social development and to preserve the cultural identity of those Territories. He urged the United Nations to increase assistance programmes to the people of the remaining Non-Self-Governing Territories. His country believed that education and human resource development were essential elements in the process of decolonization, and it would therefore continue to offer educational and training assistance to several developing countries, including the Non-Self-Governing Territories. The year 2000 had been set for the complete eradication of colonialism. In order to achieve the vision of a twenty-first century free from colonialism, in which every individual could exercise his right to self-determination, close cooperation was needed between members of the international community.

28. Mr. ARKWRIGHT (United Kingdom) said his delegation endorsed the position expressed by the representative of Germany speaking on behalf of the European Union. He wished, however, to address the continued inability or, more likely, the unwillingness, of the Special Committee on decolonization to appreciate the difference between self-determination and independence. Self-determination could not be equated solely with independence, ignoring other available options. His delegation had been encouraged by the comments made by the representatives of Papua New Guinea, Fiji and Sierra Leone during the Special Committee's discussion of the Falkland Islands at its plenary session in 1994. He hoped that the discussion in 1994 on that and all other items on the agenda would be influenced by their arguments. The United Kingdom's record on decolonization was a good one and had been well documented. His Government continued to take seriously its obligations under the Charter to develop self-government in its dependent Territories and, in cooperation with the locally elected Governments, to ensure that their constitutional frameworks continued to meet the wishes of their peoples. Each of the dependent Territories held regular and free elections at which all parties could advocate whatever constitutional proposals they wished. His Government also took seriously its obligations towards the economic needs of its dependent Territories. He was therefore disappointed by the content of the draft resolution submitted to the Committee on the question of foreign economic interests, which ignored the benefits that those interests could bring to dependent Territories. Many elected Governments in the United Kingdom dependent Territories expended considerable effort to attract foreign investment, recognizing its benefits. The Special Committee on decolonization should recognize the positive role of foreign investment, especially in small islands with limited capital and few natural resources. He had noted with interest the comments of the Rapporteur and Acting Chairman of the Special Committee on decolonization at the beginning of the general debate. He welcomed the acknowledgement that the people of the Non-Self-Governing Territories should decide their future status, and that attention should be paid to the specific needs of those Territories. The Committee should accept the realities of the situation in each Territory.

29. Mr. MUTHAURA (Kenya) said that, in view of the fact that the number of people living under colonial rule had fallen from 750 million in 1945 to less than 3 million in 1994, it was appropriate that the United Nations should have declared 1990-2000 the International Decade for the Eradication of Colonialism. It was essential that all remaining Territories should be allowed to exercise their right to self-determination. Western Sahara had been a problem for nearly 20 years. A settlement plan had been developed with the aim of holding a referendum on self-determination to allow the Sahrawi people to choose between independence and integration with Morocco. Such a choice was unprecedented in the history of decolonization. He recalled Security Council resolution 829 (1993), and the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO), to which Kenya had contributed troops. He affirmed the inalienable right of all peoples to self-determination and independence in accordance with the principles of the United Nations Charter. With his own country's liberation process in mind, he commended the United Nations Secretary-General for his efforts to find a lasting solution to the conflict. He expressed the hope that definite dates would be set for the conclusion of the task of the Identification Commission as well as the holding

of a free and fair referendum on the basis of the compromise proposal of the Secretary-General. His delegation hoped that that would lead to a credible outcome acceptable to the people of Western Sahara, the Frente POLISARIO and Morocco as well as to the international community.

30. Mr. ROWE (Australia), speaking on behalf of the States members of the South Pacific Forum (SOPAC), said he wished to call the Committee's attention to the Forum's position with regard to New Caledonia, adopted at its twenty-fifth session held in Australia from 31 July to 2 August 1994. At that session the Forum had noted further implementation of the Matignon Accords during the previous 12 months. It had considered that further efforts towards achieving real economic and social rebalancing were still needed, and both the French and the territorial authorities had acknowledged that need. The Forum recognized continuing contacts with the French authorities as an important factor in the Matignon process. It had noted with pleasure that the Kanak Training Fund was operating successfully, and that the Forum secretariat's relations with France and its territories were good, a memorandum of understanding on funding cooperation having recently been signed. The Committee had before it the text of a draft resolution on New Caledonia which had been adopted by consensus by the Special Committee on decolonization on 15 July 1994 and which was contained in chapter VIII of the report of the Special Committee (A/49/23/Part V). On behalf of SOPAC delegations, and in accordance with the consensus approach being taken in New Caledonia towards the self-determination process under the Matignon Accords, he commended that draft resolution to the Committee and urged its consensus adoption.

31. Mr. ARKWRIGHT (United Kingdom), speaking in exercise of the right of reply, said that the representative of Brazil, speaking on behalf of the Rio group earlier in the meeting, had expressed the wish for a solution to be found to the sovereignty dispute over the Falklands, South Georgia and the South Sandwich Islands. The position of the British Government on those matters was well known. It had been most recently set out by the Foreign Secretary in his speech to the General Assembly on 28 September 1994.

The meeting rose at 5 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)
6th meeting
held on
Thursday, 13 October 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. HUDYMA (Ukraine)

later: Mr. SAMANA (Papua New Guinea)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)

Hearing of petitioners

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items)* (continued)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS* (continued)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION* (continued)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS* (continued)

* Items which the Committee has decided to consider together. /...

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CONTENTS (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL* (continued)

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES* (continued)

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of petitioners

Question of New Caledonia (A/C.4/49/5)

1. At the invitation of the Chairman, Ms. Winslow (Front de libération nationale kanak socialiste) took a place at the petitioners' table.

2. Ms. WINSLOW, speaking on behalf of the Front de libération nationale kanak socialiste (FLNKS), said that because of the balance of power and because the Kanak people was so small that it was in danger of disappearing and was refusing assimilation, FLNKS, by successive stages in its struggle, had been forced to compromise, and had signed the Matignon Accords with a view to building a new independent nation, Kanaky. FLNKS welcomed the support of the United Nations, as well as that of the Non-aligned Movement, the South Pacific Forum and the Melanesian Spearhead Group.

3. The reaffirmation by those international bodies of the need to implement the Declaration on decolonization reflected the persistent reality of the colonial system which many administering Powers were still trying to disguise. France was obstinately refusing to assume the obligations deriving from the reinclusion of New Caledonia in the list of countries to be decolonized and was engaging in political and diplomatic initiatives for the purpose of minimizing the colonial reality in New Caledonia and thwarting the exercise by the Kanak people of their right to independence and dignity. For the period of the Matignon Accords, the aim of FLNKS, in accordance with paragraph 3 of General Assembly resolution 1514 (XV), was to prepare for independence, redressing the ethnic, social, legal, financial and economic imbalances inherent to colonial society while establishing the means for economic, financial and political independence. It called upon the entire country, and the French Government, to work towards that aim, and requested the support of the United Nations.

4. Six years after the signing of the Matignon Accords, the situation was disappointing, particularly since the provinces had different political objectives. The North and Loyalty Islands provinces, administered by the pro-independence forces, had undertaken major programmes of public and infrastructure in order to overcome isolation, provide basic services for the people and help them become involved in building the country. In the South province, administered by the right-wing forces, where three quarters of the population lived, the emphasis had been placed on economic development, health, youth, social affairs and urban development. In violation of the spirit of the Matignon Accords, Grand Nouméa was being developed to the detriment of other rural communes of the South province. The provincial authorities there were using the resources available to strengthen the control of economic interest

groups of the Rassemblement pour la Calédonie dans la République (RPCR) over the Territory's economy. The political will of the Kanak movement and of the progressive forces in the country to tackle the imbalances inherent in the Caledonian colonial system contrasted with the stalling by the State and the conservative policy of the local right wing, which was in the majority in the Territorial Congress and controlled the country's economy. A true decolonization policy required that efforts should be made to overcome the Territory's increasing dependence on the metropolis. Certain areas within the jurisdiction of the State, were still not open for discussion; the same went for areas falling within the jurisdiction of the Territory of New Caledonia, represented by the predominantly anti-independence Congress. Thus the attitude of the two other signatories was making it difficult to carry out the reforms which were needed for harmonious and balanced development to benefit all sectors of the Caledonian population. That attitude carried within it the seeds of a political, economic and ethnic partitioning of the Territory which the people would not be able to accept.

5. Six years after the Matignon Accords, FLNKS was still calling for major reforms in significant areas. There was a tendency to monopolization of the economy by a privileged class of RPCR members which was influential in Grand Nouméa. That trend favoured major projects and left little scope for local initiative which would help people become involved in building the country. In the educational sector, although more and more Kanak children were entering primary school, the selection processes at the secondary level always favoured European children; the policy of adapting syllabuses to the realities of the country was being hampered by a system which focused too much on metropolitan realities and by the bureaucracy of the French Ministry of National Education.

6. In the social sector, there was a shortage of rental accommodation, urban accommodation was prohibitively expensive, and there was no policy to provide housing to the most disadvantaged people. The economic and social situation was becoming increasingly difficult; the mining sector had been particularly affected. The social climate was increasingly tense and social conflicts reflected the growing impatience of the people at the absence of substantive reform. Unemployment was high, especially among young people; and budgetary difficulties resulting from budgetary restrictions imposed by the French Government at the national level were making it impossible to implement programmes in the provinces.

7. The progressive deterioration of the situation in New Caledonia demonstrated the increasing difficulty of maintaining the partnership among the signatories to the Matignon Accords; responsibility for that situation lay entirely with the other two signatories, RPCR and the French Government. For the past year, RPCR had taken a negative attitude of maintaining the status quo at the local level. The main concerns of the French Government were metropolitan because of the economic difficulties in France and above all because of the presidential elections of 1995; it had therefore decided not to take any initiative in New Caledonia.

8. The situation in New Caledonia gave rise to an inertia which made it impossible to hold the consultations necessary for the implementation of substantive reforms and to enter into discussions among the signatories to the Matignon Accords on the statutory future of the country. With only four years to go before the 1998 referendum, there had been no discussion on the organization of the referendum and the provision of objective information to the population. If those discussions were not begun straight away, there was no guarantee that they would take place under the next legislature.

9. At the most recent meeting of the Committee to Monitor the Matignon Agreements, held at Nouméa on 15 September 1994, Mr. Perben, the French Minister for Overseas Departments and Territories, had spoken of a new momentum in the implementation of the Accords; FLNKS hoped that a dynamic partnership would be re-established so that the schedule for 1995 and 1998 could be maintained.

10. The situation in New Caledonia did not always correspond to what might be expected on the part of France, the land of human rights, which was responsible for the colonization and therefore for the decolonization of New Caledonia. If France did not assist the decolonization process, it would be failing to meet its obligations and fulfil its historic responsibility in New Caledonia and towards the international community. FLNKS believed that independence was the only viable route for all segments of the Caledonian population; moreover, that route was finding favour among the most disadvantaged groups in the country, particularly the non-Kanak peoples. FLNKS hoped that the Committee would also take into account the resolution of the twenty-fifth session of the South Pacific Forum held in August 1994.

11. FLNKS called on the United Nations to keep New Caledonia on the list of countries to be decolonized; to reaffirm its support for the decolonization of New Caledonia and the independence of the indigenous Kanak people; to do everything possible, in the context of the International Decade for the Eradication of Colonialism, to ensure that France officially endorsed the decolonization of New Caledonia and clarified the various elements of the 1998 referendum; to organize the 1998 referendum in accordance with its principles and practices; to monitor more closely the implementation of the Matignon and Oudinot Accords; and to encourage local partners to implement reforms in order to prepare the country for independence and call upon them to initiate discussions immediately on the future of the country.

12. Ms. Winslow withdrew.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued) (A/49/23 (Part II, Part V, chap. VIII, Part VI, chap. IX and Part VII, chap. X, A/49/287, 381 and 492); A/AC.109/1179-1183, 1185-1186, 1188-1190, 1192-1195, 1197; S/1994/283 and Add.1 and Add.1/Corr.1, S/1994/819)

AGENDA ITEM 81: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VII) and 384 and Add.1)

AGENDA ITEM 82: ACTIVITIES OF FOREIGN ECONOMIC AND OTHER INTERESTS WHICH IMPEDE THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES IN TERRITORIES UNDER COLONIAL DOMINATION (continued) (A/49/23 (Part III, chap. IV); A/AC.109/1191)

AGENDA ITEM 83: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (continued) (A/49/23 (Part IV, chap. VI) and 261 and Add.1; A/AC.109/L.1824; E/1994/114)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/49/3 (Chaps. V (sect. C) and IX))

AGENDA ITEM 84: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES (continued) (A/49/413)

13. Mr. PHOMMAHAXAY (Lao People's Democratic Republic) said that the Declaration on decolonization had been a powerful stimulus and provided legal, political and moral support in the struggle of colonial peoples for freedom and independence. However, the success achieved should not give rise to complacency, because the process was not fully complete. Many obstacles still impeded the progress of the peoples of colonial and Non-Self-Governing Territories towards achieving their legitimate aspirations to self-determination and independence. His delegation fully supported the Plan of Action for the International Decade for the Eradication of Colonialism, and believed that the international community should do everything possible to create conditions which would enable the peoples of dependent Territories to adopt policies adapted to their specific problems, particularly in the context of regional cooperation and integration, and to promote economic and social development and preserve their cultural identity, while giving priority to strengthening and diversifying their economies; and should make a concerted effort to help them improve their institutional and administrative resources and develop their human resources. In a favourable environment of that kind, the peoples of colonial and Non-Self-Governing Territories would have a real chance to exercise their legitimate rights.

14. Certain sectors were continuing to engage in not only economic activities but also military and other activities which could impede the accession of peoples to independence. The presence of military bases in certain colonial and Non-Self-Governing Territories was not designed to reduce unemployment; military bases and activities were actually being used to maintain control in different regions of the world. Such activities must stop and Non-Self-Governing Territories must not be drawn into activities or hostile acts directed against sovereign and independent States. Furthermore, the Territories should not be used for nuclear experiments, the disposal of nuclear waste or the deployment of nuclear weapons and other weapons of mass destruction.

15. The objectives of the International Decade for the Eradication of Colonialism could only be achieved through concrete action corresponding to the wishes of the peoples of colonial and Non-Self-Governing Territories.

16. Mr. BATAINEH (Jordan) said that despite the negative effects of the cold war, the majority of previously Non-Self-Governing Territories had gained their independence; that was a historic achievement for the United Nations. South Africa had also had its first democratic elections, and Jordan welcomed the end of apartheid and the inception of a united, non-racial and democratic society in that country.

17. However, despite the long interval since General Assembly resolution 1514 (XV) of 14 December 1960 and the relatively harmonious atmosphere which now characterized work in the United Nations, there were still a number of Non-Self-Governing Territories. The international community should give the granting of independence the priority it deserved, so that every country, irrespective of size, geographical position or number of inhabitants, could enjoy self-determination. Administering Powers therefore had responsibility to establish the political, economic and social conditions which would enable those Territories to move peacefully towards self-determination, while maintaining control over their national resources, and ensuring their rights to own and use them. Relevant United Nations agencies had a responsibility to provide assistance to those Territories in order to accelerate their cultural, social and economic advancement.

18. Administering Powers should continue to cooperate in facilitating visits of United Nations delegations to Non-Self-Governing Territories. Such visits provided essential information on conditions in those countries, and increased the United Nations ability to help the peoples of those Territories reach their goals. Administering Powers should also participate in the work of and cooperate with the Special Committee. No military, economic or other activity should be undertaken which would be prejudicial to the interests of the peoples of the Territories or impede progress towards ending colonization and achieving self-determination and independence.

19. Mr. AHMED (India) said that decolonization had always been one of the most important activities of the United Nations; the end of the cold war had generated new opportunities for the United Nations and the world community to achieve that goal of ridding the world of colonialism before the end of the century on the basis of the Plan of Action for the International Decade for the Eradication of Colonialism.

20. Since 1993, further success had been achieved on several fronts. Meanwhile, despite recurring difficulties in the case of Western Sahara, recent developments gave rise to the expectation that a referendum would be held in the Territory over the next few months. His delegation fully supported the efforts being made by the Secretary-General in that direction. In the Malvinas and New Caledonia, his delegation was heartened by the ongoing dialogue between the parties concerned and encouraged them to build upon the understandings already reached, in a spirit of cooperation. His delegation underlined the need for

dialogue and discussion between the Non-Self-Governing Territories and the administering Powers as a basic instrument to achieve decolonization, in accordance with the letter and spirit of the Declaration on decolonization.

21. Each of the small island Territories in the Pacific and Caribbean had the inherent right to decide on its own political future. It was for the people of those Territories to choose the political system for their own governance, while the administering Powers had a responsibility to protect their vulnerable economies and ecologies and respect the wishes of the Territories.

22. The objective of complete decolonization had almost been reached; the last few steps were often the most difficult, but the United Nations must not waver in its efforts to eradicate colonialism by the end of the century.

23. Mr. RANDRIAMALALA (Madagascar) said that his delegation welcomed the initiative by the New Zealand Government of inviting a United Nations visiting mission to Tokelau in July 1994 and the assurances it had given that it would honour its obligations to the United Nations in respect of the Territory and respect the freely expressed wishes of its people with regard to their future status. His delegation encouraged other administering Powers to do the same, since United Nations visiting missions were an effective means of assessing the situation in Non-Self-Governing Territories in addition to receiving information provided under Article 73 e of the Charter and helped enhance the ability of the United Nations to assist the peoples of Non-Self-Governing Territories in achieving the objectives laid down in the Declaration on decolonization.

24. Political independence was only a first stage and must be accompanied by economic independence. His delegation welcomed the efforts made by certain specialized agencies and other United Nations bodies to assist the Non-Self-Governing Territories; however, that assistance must be intensified. The administering Powers had a duty, in view of the extreme fragility of the economies of small island Territories and their vulnerability to natural disasters, to promote the economic and social development and preserve the cultural identity of those Territories and ensure that their natural resources were safeguarded for future development; they must also take all necessary measures to protect their environments. In order to ensure the future stability of those Territories, immigration must be strictly monitored so that the indigenous peoples did not become a minority in their land of origin.

25. The maintenance of colonial situations was incompatible with the ideal of universal peace of the United Nations. Over the decades, through the implementation of the Declaration on decolonization, the process of decolonization had accelerated. The most significant achievement had been the accession to independence of Namibia. The peace process under way in the Middle East to establish a sovereign Palestinian State was another important development. Despite the progress made in decolonization, however, colonialism had not been completely eliminated, and United Nations activities in that area must be accorded priority if the objective of eliminating colonialism by the year 2000 was to be achieved.

26. Mr. ZVANKO (Belarus) said it was to be hoped that the problems which had occurred at various stages of the settlement of the Western Sahara issue would not recur, that the Identification Commission would finish its work and that the United Nations would be able to carry out its mission as fully as possible in conjunction with the Organization of African Unity. The Republic of Belarus was prepared to encourage that process by making observers available to the United Nations during the referendum. Constructive dialogue under the auspices of the United Nations on the questions of East Timor, the Malvinas, New Caledonia, Tokelau and other Territories had also given cause for hope.

27. Noting that the United Nations still faced a number of major and urgent tasks in the field of decolonization, he outlined additional measures that needed to be taken in order to ensure that the peoples of the 18 remaining Non-Self-Governing Territories would be able to determine their own future. Key elements were a spirit of constructive dialogue between all Parties involved in settling a particular issue and the political will and firm intention to bring a matter to a successful conclusion. The administering Powers had an important role to play in that regard, in that it was up to them to create conditions for the free expression of political will and the establishment of an economic foundation which would subsequently enable a young State to develop independently.

28. The example set by New Zealand in providing information to the Special Committee on decolonization and accepting visiting missions was highly commendable. He also noted with satisfaction the measures taken by France, in New Caledonia, to encourage the political, economic and social development of the Territory, notably protection of the environment, efforts to combat drug abuse and illegal drug trafficking, and development of the Territory's communications with other countries in the region.

29. His delegation wished to stress the importance of cooperation with the relevant organs of the United Nations and its specialized agencies. A spirit of constructive cooperation should prevail in all international forums dealing with decolonization and should be embodied in an appreciation of the actual problems facing a particular administering Power. Constructive cooperation should also extend to the wording of all documents adopted on the work of those forums.

30. Noting the enhanced role of information as a means of mobilizing world public opinion in support of efforts by peoples in Non-Self-Governing Territories to gain independence, the Belarusian delegation considered that circulation of full and accurate information about the progress of decolonization was an important component of the process.

31. Mr. SRIWIDJAJA (Indonesia) said that Indonesia and the non-aligned countries had from the outset had a long-standing and deep-rooted commitment to decolonization. The Non-Aligned Movement's efforts had been vitally supportive of and complementary to the endeavours of the United Nations in that field. Accordingly, the non-aligned countries had worked towards carrying out the United Nations action plan for the implementation of the International Decade for the Eradication of Colonialism.

32. Noting that the remaining Non-Self-Governing Territories shared many characteristics of small island developing States owing to their small size, geographical location, size of population, limited natural resources and vulnerable economies and ecologies, he stressed that the people of each Territory had to determine the nature of their own future status. It was of paramount importance that the populations concerned should be able to exercise freely their inalienable right to self-determination in a form reflecting their interests and aspirations in accordance with the provisions of the Declaration. Such an approach would include educating the people on the various options available to them so that they could objectively judge for themselves what was in their best interests. The need to promote balanced economic development and help the Territories to achieve the greatest level of self-sufficiency was equally important; United Nations specialized agencies and other international organizations should be involved in that process. The Indonesian delegation also stressed the importance of disseminating information in the field of decolonization through seminars, publications and other relevant activities.

33. Mr. Samana (Papua New Guinea), Vice-Chairman, took the chair.

34. Mr. JELBAN (Libyan Arab Jamahiriya) said it was gratifying to see the South African delegation in the Committee, after the success of that country in ending apartheid and establishing unity and democracy. Eradicating colonialism was a basic duty of the United Nations. Since the adoption of the Declaration on decolonization in 1960, many countries had achieved self-determination. Several, however, remained dependent: that constituted an evasion of the administering Power's responsibility to implement the Declaration, and a challenge to the international community. The remaining Non-Self-Governing Territories were as deserving of self-determination as those which had already achieved it.

35. The role of the United Nations in implementing the Declaration had thus not yet been fully completed. His country fully supported the efforts of all Non-Self-Governing Territories to achieve self-determination, and their right to economic and social development. He appealed to the United Nations to support economic and political development in those territories and to ensure that occupying Powers did not build any military installations there or undertake nuclear testing, or engage in the proliferation or stockpiling of nuclear or other weapons of mass destruction prejudicial to the safety of those territories.

36. Mr. SAMADI (Islamic Republic of Iran) said that it was the duty of the Committee to remain firm in its commitment to grant every people and country still living under any form of colonial rule the opportunity to exercise its right to self-determination and choose freely how to determine its own future. An adequate economic basis upon which Non-Self-Governing Territories could fully exercise their right to self-determination was important, and activities of foreign economic interests could pose an obstacle to the process of decolonization: the people of colonial Territories were the rightful owners of their natural resources, which should be developed in ways that promoted their political, economic, social and educational advancement. The presence of

military bases and installations constituted a similar obstacle to the implementation of the Declaration. The relevant resolutions and decisions of the General Assembly and the Special Committee had called on administering Powers to terminate military activities in the Territories and reiterated that those Territories and their adjacent areas should be free from the testing of nuclear wastes or deployment of nuclear and other weapons of mass destruction.

37. Sending visiting missions was the best means of obtaining first-hand information on the conditions in the Territories, and the administering Powers should be urged to allow such visits.

38. Mr. AL-ATTAR (Syrian Arab Republic) said that the United Nations had failed to prevent war and regional strife, nor had it succeeded in crystallizing a plan for collective security based on international legality and justice. The eradication of colonialism was perhaps the United Nations greatest achievement to date. However, there were still 17 countries which did not enjoy self-determination and independence. While they were mostly small islands, they were none the less entitled to self-determination in accordance with their wishes. It was therefore important for administering Powers to cooperate with the Special Committee by transmitting information to it regularly, pursuant to Article 73 e of the Charter, or by facilitating the sending by the Committee of visiting delegations to those Territories. In order to achieve the eradication of colonialism by the end of the century, the cooperation of the administering Powers was essential in order to study the case of each Territory and find an appropriate settlement in accordance with the wishes of its inhabitants. The people of Tokelau had expressed the wish to enter freely into a federation with New Zealand. That success was due to the cooperation of the administering Power with the Committee. It was vital that United Nations specialized agencies should increase their aid programmes to people of the Non-Self-Governing Territories in order to support their social and economic development.

39. Syria had been one of the first States to participate in the work of the Special Decolonization Committee, because of its conviction that international peace and security could only be achieved by the complete eradication of colonialism in all shapes and forms. The present relaxed international climate, characterized by a universal desire for peace and security and respect for the aspirations of peoples, imposed on the international community the obligation to do whatever was necessary to ensure that universal self-determination was achieved. Greater priority should be given to the concerns of the Committee, so that the world could enter the twenty-first century free for ever of the vestiges of colonialism.

40. Mr. LAMPTEY (Ghana) said that he hoped all concerned in the settlement plan for Western Sahara would cooperate fully with the United Nations Mission for the Referendum in Western Sahara (MINURSO) to make the whole exercise, from voter registration through actual balloting, transparently free and fair. He noted the call by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) for dialogue with the Moroccan Party in order to create an atmosphere of confidence before the referendum, and endorsed such direct talks.

41. He noted with satisfaction the progress made in Israeli-Palestinian negotiations and the Israeli-Jordanian common agenda, and entertained the hope of faster Israeli-Syrian and Israeli-Lebanese settlements, together with a resolution of outstanding issues over Palestine.

42. On the question of Tokelau, he stressed that everything possible had to be done to raise the consciousness of the people of that Territory so that, whatever choice they made regarding their future status, they would be aware of the full implications of their choice.

43. He regretted that some administering Powers that wished to pass as the champions of democracy and international legality had still failed to cooperate with the Committee in pursuit of the objectives of the United Nations Decade on the Eradication of Colonialism. He called on all countries to move with the times and cooperate with the Special Committee. He invited the Committee to support the draft resolutions to be put before the General Assembly calling on the administering Powers concerned to halt forthwith all their economic and military activities and arrangements in the Territories under their control where those interests posed a threat to the future economic development of the Territories and jeopardized the freedom of the inhabitants to decide on their future status.

44. Mr. MERIMEE (France) said that his delegation wished to report on developments in recent years in New Caledonia, and especially on the application of the Matignon Accords. It did so despite its Government's continued reservations regarding the competence of the United Nations to deal with the question - New Caledonia being an overseas territory of France and hence governed not by Article 73 of the United Nations Charter but by national jurisdiction, in accordance with Article 2, paragraph VII, of the Charter.

45. Since the Matignon Accords had been signed in 1988, all political forces in New Caledonia had shown a dramatically different determination to work constructively for a peaceful future, in keeping with the three main stipulations of the Accords: the vote of self-determination to be held in 1998 by eligible members of the population, the decentralization of the administration of the Territory's three provinces, and the active promotion of appropriate economic and social development. Follow-up committees had met yearly, and even more often, to evaluate and redirect the implementation of the Accords.

46. In the past six years, the institutional arrangements under the Accords had been put into place. The three New Caledonian provinces were exercising broad new powers through assemblies elected by universal suffrage and were heavily engaged in technical development, economic activities and job promotion. The French Government's objective was a balanced economic development that would create employment in all regions, and to that end it had signed a number of development contracts with each province that reflected provincial priorities. Large-scale infrastructural programmes had also been set up and were progressing satisfactorily, and an economic and social plan was under way to reverse a slump in nickel exports. A major training programme was already showing very

encouraging results, as reflected in the improved scores in secondary school and vocational examinations, the building of new schools to accommodate an expanding number of students, and a professional training programme specifically for Melanesians. Culturally, there was the concomitant promotion of the Melanesian sense of community identity, especially through the Kanak Cultural Development Agency. The French Government was, with its New Caledonian partners, planning to focus in future on youth programmes and on urban, housing or economic diversification issues. On balance, then, the assessment of the past six years was positive.

47. His delegation noted with satisfaction that the current year's draft resolution on New Caledonia took account of that positive situation, and of the ongoing dialogue between parties under the auspices of the French Government; and France would accordingly not object to the draft resolution or request a vote, although it could not associate itself with it.

48. Thanks to the Matignon Accords, New Caledonia's political, economic, scientific and cultural contacts with neighbouring countries in the region had expanded. The French Government set great store by the territory's integration into the South Pacific community and would continue to encourage it. It was also determined to further the Territory's interest and prosperity so that its inhabitants could exercise their right to self-determination in 1998 under the best possible conditions.

49. Mr. MWAMBULUKUTU (United Republic of Tanzania) said that in order to accomplish the Committee's goal of eradicating colonialism by the year 2000 all members must cooperate fully with the Special Committee on decolonization. Each of the administering Powers of the remaining Non-Self-Governing Territories, in particular, ought to state its case at the Special Committee level in order to minimize in advance some of the concerns that surfaced when the Fourth Committee considered decolonization matters. The Special Committee's report on Tokelau exemplified the progress that could be made when there was genuine cooperation between it, the administering Power and the inhabitants of the Territory, and other administering Powers should follow New Zealand's example in inviting United Nations visiting missions and in fully involving the people in determining their status.

50. In Western Sahara, it was regrettable that the long-awaited referendum on self-determination remained stalled because of voter-eligibility issues. Both the Moroccan Government and the Frente POLISARIO should cooperate fully with the Secretary-General and the Identification Commissioner in implementing the agreed settlement plan so as to achieve the goal of a free and fair referendum.

51. Mr. MANAKARATNE (Sri Lanka) observed that the small size of the remaining Non-Self-Governing Territories and their limited population and resources should in no way diminish the importance the Committee attached to their decolonization. Indeed, those factors made them more vulnerable and in need of particular attention. His Government appreciated the cooperative and constructive response of the various administering Powers which had contributed to the progress made in decolonization over the last three decades, thus

enabling consensus to prevail over confrontation and the long-term interests of the peoples concerned to be respected. Sri Lanka was confident that the administering Powers would continue to show the same spirit in ensuring the transition of the remaining dependent Territories.

52. Like all other Member States, Sri Lanka rejoiced at the turn of events in South Africa, which had taken its rightful place in the comity of nations, and had a vital contribution to make not only to the future of the African continent but also to the global community.

53. Political self-determination was but a first step towards national self-assertion: the economic future of the dependent Territories was crucial if their peoples were to raise their living standards in a highly competitive and complex world. As all who had emerged from long periods of colonial rule were well aware, factors both internal and external could reduce independence to a mere legal formality unless it had solid economic foundations. The administering Powers and the specialized agencies of the United Nations and other regional bodies had an obligation to ensure that in the post-colonial period the former Territories were helped to preserve their independence and basic socio-economic structures. Foreign economic assistance, sought freely and given without coercive and exploitative conditions, would further their welfare and be of mutual benefit.

54. The people of each Territory should be able to decide on their future free from pressure, and it was for the United Nations to ensure that they did. Self-determination should not become an instrument for the promotion, through force and militancy, of the views of narrow and unrepresentative groups of people within the Territories, who used the process for their own purposes outside the colonial context in which the concept of self-determination was understood by the United Nations. The new phenomenon of separatist groups in many newly independent countries must not be allowed to take root. Sri Lanka was pleased that in many cases direct talks were being held to settle the remaining disputes by way of dialogue and negotiation. Pragmatic approaches had always brought forth the desired results.

55. Mr. SNOUSSI (Morocco) recalled that Morocco had always been willing to cooperate fully with the Secretary-General to find a just and lasting solution to the so-called question of the Sahara. It had been the one to suggest a referendum, to be held under United Nations auspices in order to ensure the proper impartiality. Morocco had worked with the Secretary-General in his untiring efforts to achieve a settlement plan acceptable to both parties, and in 1992 that plan had begun to be put into effect by the United Nations Mission for the Referendum in Western Sahara (MINURSO).

56. Among the stumbling-blocks were the criteria for identifying persons eligible to participate in the referendum. As the Secretary-General had indicated in his report (A/49/492, para. 12) the delays had been due entirely to the other party and the countries that supported it, since Morocco had long since accepted the criteria set out in Security Council resolution 725 (1991). Consequently, his Government welcomed the solution to the problem provided in

Security Council resolution 907 (1994), which, as indicated in the Secretary-General's report (para. 17), had been accepted by both parties. As a result of in-depth consultations, it had also been possible to resolve the issue of Organization of African Unity (OAU) observers. In short, the United Nations operation was proceeding satisfactorily and definite progress had been made since late August 1994 in identifying potential voters.

57. It must be borne in mind that the exclusive responsibility for organizing and conducting the referendum rested with the Secretary-General and his Special Representative, under the supervision of the Security Council, pursuant to Security Council resolutions 809 (1993) and 907 (1994). The Secretary-General had in his report outlined the timetable for implementing the remaining elements of the settlement plan. Morocco reiterated its full readiness to cooperate in hastening its application so that the referendum could be held as soon as possible.

58. The Committee, in making its recommendations on the question, could not, of course, contradict the provisions made by the Security Council or become a forum for the claims of one party and its promoters. His delegation favoured dialogue and consensus in the settlement of disputes, but they could not be used as an excuse for delaying implementation of the settlement plan accepted by both parties. Since, as indicated in document A/49/492 (para. 5), objections by the other party to the negotiations set up by the Special Representative had prevented them from being held, it was preferable for the Committee not to make any recommendation relating to dialogue, but rather to leave such matters to the Secretary-General. The settlement plan was well on its way to achievement and all members must take a responsible attitude so as not to jeopardize the process.

59. Morocco was not a colonial State. To claim otherwise was to insult the historical record and the shared, heroic struggle of the people of the Maghreb against colonialism, and also to distort flagrantly the question of so-called Western Sahara. The problem of the Sahara had become the international community's problem, and the international community, with Morocco's consent, had chosen to resolve it through the Security Council and the Secretary-General. He must be left to do his work. The Maghreb had other serious concerns, faced as it was with a violent crisis of unprecedented extremism that was diverting its energies away from the urgent task of union and development. All members of the Arab Maghreb Union should join efforts to attack their real problems in order to ensure stability and development in the region.

The meeting rose at 5.55 p.m.